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**CONTENTS**

Studies in Vinaya Technical Terms IV–X by Édith Nolot	I
The Sixty-four Destructions according to the <i>Samskrtāsamskrta-viniścaya</i> by Peter Skilling	113
Intermediate Existence and the Higher Fetters in the Pāli Nikāyas by G.A. Somaratne	121
Remarks on the Rasavāhinī and the Related Literature by Junko Matsumura	155
An Index to JPTS Volumes IX–XXIV	173

**Studies in Vinaya Technical Terms IV–X\***

*To the memory of Édouard Burckard*  
(1902–1998)

“Studies in Vinaya Technical Terms” (SVTT) III was concerned with *parivāsa* and *mānatta*, the specific penalties incurred by Buddhist monks or nuns who have committed a *Samghādisesa* (Samgh.) offence (that is, the second most serious type of offence listed in the *Pātimokkha*), and the only one in that list whose redress, dealt with in detail in the second and third *Khandhakas* of the *Cullavagga*, is said to entail formal procedures and constant supervision by a regular chapter. The present studies deal with other penalties which are related (whether they also involve procedures or not) both to each other and to those of *parivāsa* and *mānatta*: the group of seven other disciplinary procedures detailed in the first *Khandhaka* of the *Cullavagga* (SVTT IV); the contrasting terms *nissāraṇā*, *osāraṇā*, which must be investigated in connexion with those procedures (V); the penalties of expulsion (*nāsanā*) (VI) and “punishment” (*daṇḍa-kamma*) (VII); the disciplinary procedures of proclamation (*pakāsanīya-kamma*) (VIII) and of boycott of a lay donor’s gifts (*patta-nikkujjanā*) (IX); and the *brahma-daṇḍa* penalty (X).

An important correction to SVTT II 110, § 2c (iv) concerning *tassa-pāpiyyasikā*, will be found at the end of these studies (Appendix I) where it is referred to as *TPāp*. SVTT V and VI take into account a stimulating work on the same topics by Ven. Juo-hsüeh Shih (Oxford).

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\* See JPTS XXII, 1996, pp. 73–150.

IV. The disciplinary procedures of *tajjanīya*-°, *nissaya*-°, *pabbājanīya*-°, *paṭisāraṇīya*-°, and threefold *ukkhepanīya-kamma* (n.)

1. The second and third chapters of the Cullavagga, where the particulars of the *mānatta* and *parivāsa* penalties are detailed, are preceded by the *Kamma-kkhandhaka* (“Section on procedures”),<sup>1</sup> which deals with a sevenfold set of similar disciplinary procedures,<sup>2</sup> there said to apply to offences that may be redressed by (mere) confession, i.e. neither Pārājika (Pār.) nor Saṃgh. offences.<sup>3</sup> According to Vin I 145,16–18, these penalties apply also to nuns.

A Skt Mū parallel occurs in the first part of the *Pāṇḍulohitaka-vastu*.<sup>4</sup> For a summary of Chinese data with references, see Frauwallner, *Vinaya* 107–109 (on Chinese and Skt parallels to *paṭisāraṇīya*, see also Lévi, “Mss sanscrits” 5–8).<sup>5</sup>

<sup>1</sup>Vin II 1,6–30,15 with Sp I 155,7–59,20.

<sup>2</sup>Cf. v.Hi., “Buddhist Law” pp. 20–21.

<sup>3</sup>Vin II 3,8–9,37 with Sp I 155,16–17. On the Pāc. offences that may or may not be redressed by confession (*desanā*-°, *adesanā-gāminī āpatti*), see SVTT II 112, n. 63.

<sup>4</sup>MSV(D) III 5,1–11,13 (*tarjanīyaṃ karma*), 11,14–15,19 (*nigarhaṇīyaṃ karma*), 15,20–19,8 (*pravāsanīyaṃ karma*), 19,9–28,6 (*pratisaṃharaṇīyaṃ karma*), 28,7–29,4 (*āpatti adarśanāyotkṣepaṇīyaṃ karma*), 29,4–30,2 (*āpatti apratikarmāyotkṣ*°), 30,3–32,12 (*apratī-nisṛṣṭe pāpake dṛṣṭigate utkṣ*°). For a summary of Tib. Mū, see Banerjee, *SarvLit* 224–27.

<sup>5</sup>None of these procedures is dealt with in ChinSp (where the parallel to the *Kamma-kkhandhaka* of the Cullavagga is missing), nor are they mentioned there according to the index. The *Campeyya-kkhandhaka* (Vin I 312–36), which deals extensively with the conditions of validity of these and other disciplinary procedures in the Thv(M) Vinaya (Vin) and immediately precedes ChinSp’s parallel to the Cullavagga, is

Those seven procedures are: (I) *tajjanīya-kamma*, “blame”;<sup>6</sup> (II) *nissaya-k*°,<sup>7</sup> “dependence [on an adviser]”; (III) *pabbājanīya-k*°, “banishment [from one’s residence]”; (IV) *paṭisāraṇīya-k*°, “summons to be reconciled [with a lay donor whom one has offended]”;<sup>8</sup> and threefold *ukkhepanīya-k*°, “suspension”: (V) for refusing to see one’s offence (*āpattiyā adassane ukkh*°), (VI) for refusing to redress one’s offence (*āpattiyā appaṭikamme ukkh*°),<sup>9</sup>

mentioned there only insofar as it “needs no explanation” (ChinSp 532 [14]).

<sup>6</sup>For convenience, terms occurring with variants *-i/-ī-* will be spelt henceforth in the latter form; those whose gender may be either neuter (n.) or feminine (f.) will be quoted as f.

<sup>7</sup>Most often replaced by *niy(y)as(s)a*, “disrepute”, in Sp (E° and C°), Vjb (B°), and B° of Cullavagga (the heterogeneity of BHS parallel forms, listed at the end of this paragraph, should also be noted). This is not to be confused with the other senses of *nissaya*, masculine (m.) (no alternative spelling as far as can be seen): (i) “resources” upon which monks and nuns are ideally expected to rely (Vin I 58,10–22; II 274,23, 278,13–16); (ii) “dependence” of a newly ordained monk on his preceptor or instructor (Vin I 60,31–62,11), and revocation thereof (*nissaya-paṭippassaddhi*, Vin I 62,14; (Mū) Guṇ-VinSū 9,16 *niṣṛaya-pratiprasambhāna* [Guṇ-VinSū(Pravṛ-v) 42,1 *niṣṛaya*-°]; cf. below, SVTT VII, § 4). – Cf. below, § 4 [g].

<sup>8</sup>The adjective *gihi-paṭisaṃyutta*, “connected with laymen”, occurs solely in reference to this offence (Vin V 115,16 with Sp 1320,13–15); the sixth and seventh modes of settlement of formal disputes do not apply to it (cf. SVTT II 112, § 2d). The symmetrical case of a layman who offends monks is dealt with by the procedure of *patta-nikkujjanā* (see below, SVTT IX).

<sup>9</sup>An illustration of an (objectionable) suspension of this kind occurs at Vin I 312,3–13,13; the text then states that groundless charges leading to suspension entail a Dukkata (Dukk.) offence (313,13–15,20, 322,34–25,25). – Skt Sa fragment with Chinese parallel: SHT(V) 36–38 (1049) and notes. – Skt Mū parallel: MSV(D) II 199,4–201,13 (on the right readings, see below, second part of n. 28). – Chinese Mś parallel: Lévi-Chavannes, “Titres” 195–97.

(VII) for refusing to give up a wrong opinion<sup>10</sup> (*pāpikāya diṭṭhiyā appaṭinissagge ukkh°*). Two of them, *pabbājanīya-k°* and *pāpikāya diṭṭhiyā ukkhepanīya-k°*, are also mentioned in the Bhikkhu- and Bhikkhunī-Vinaya-vibhaṅga; the *ukkhepanīya-k°* is referred to in the Bhikkhunī-Pātimokkha<sup>11</sup> (see below, §§ 7b, 8e).

<sup>10</sup>This doctrinal ground for an offence stands in striking contrast to the disciplinary grounds for all others (see Bechert, “Schismenedikt” pp. 33–34 = Bechert, Schulz 36). The penalty incurred by a novice in the same case is expulsion (*nāsanā*, Thv(M) [bhu] 70th Pāc.; see below, SVTT VI, § 2c). – According to Vin I 142,36–43,6 ≠ 144,30–36, a monk may (and should) break his monsoon retreat when a monk or a nun is to be dissuaded from advocating wrong opinions.

<sup>11</sup>The technical terms *tajjanīya*, *nissaya*, and *paṭisāraṇīya* are neither mentioned nor referred to in Pātim or in the *vibhaṅga*. The statement at SBE XVII 329, n. 4 (cf. Dutt, EBM, p. 15) that grounds quite similar to those for *tajjanīya* are dealt with in the 8th–11th Thv(M) [bhu] Saṃgh. (with the contradiction that the former is said, in canonical texts, not to apply to Saṃgh. offences) are based on the key-word *adhikaraṇa* that occurs both in the account of how and why *tajjanīya* was prescribed (see below, § 2 and n. 18), and in the wording of the 8th–11th Saṃgh. (Vin III 163,25\*\* with Kkh 43,27–28 ≠ Sp 595,11–12 [ChinSp 391–92 (56)]; Vin III 168,5\*\* with Kkh 44,24–45, 13, Sp 599,5–600,11; Vin III 172,32\*\* with Kkh 45,28–30 = Sp 607,32–608,2). Now, while there is most probably a historical relation between the earlier and later ways of coping with obstreperous monks (either by the *parivāsa/mānatta* penalties entailed by Saṃgh. offences, or by the ones studied here), and while the compilers of the Vinaya had as much reason to draw a formal connexion between the relevant Saṃgh. offences and the *tajjanīya* procedure as they had for connecting (as they actually did) the *pabbājanīya* procedure with the 13th Saṃgh. and the *ukkhepanīya* procedure with the 68th Pāc., no such connexion can be traced. There are only a number of scattered rules dealing with dissensions over procedure and the latter’s validity in the *nidāna* of which the stock-phrase *bhaṇḍana-kāraka*, etc. (as below, n. 18) often recurs (e.g., in the 53rd bhikkhunī [bhī] Pāc., Vin IV 309,25–28; cf. below, § 6c). There are some exceptions (e.g., in the 63th bhikkhu [bhu] Pāc., which deals with the irregular reopening [*ukkoṭana*] of a settled dispute; see SVTT II 93 and n. 9).

I. **BHS** *tarjanīya*, n. : Prakīrṇ(Mā-L) 328,3.

**Skt** *tarjanīya*, n.: (Mū) MSV(D) II 208,5 (°-arha), III 5,2\*; Mvy 8642. – (unidentified school) SHT(V) 116 (1121, B1) (°-arha).

*tarjanīyaṃ karma*: (Mū) MSV(D) II 207,13, III 5,14ff. – (Mū?)<sup>12</sup> SHT(V) 103–104 (1108, r° 4, v° 1)

*tarjanīya-karma*, n.: (Mū) Guṇ-VinSū(Pravr-v) 23, 24, 28; MSV(D) II 208,9f. (°-arha), III 7,4f. (°-krta).

II. **BHS** *nigarṣaṇīya*, n., “subduing”: Prakīrṇ(Mā-L) 328,3.

**Skt** *nigarhaṇa*, n., “condemnation”: (Mū) Guṇ-VinSū 102,3.

*nigarhaṇīya*, n.: (Mū) MSV(D) II 208,8, III 5,2\*; Mvy 8643.

*nigarhaṇīyaṃ karma*, n.: (Mū) MSV(D) II 207,13, 208,10–11, III 12,2ff.

*nigarhaṇīya-karma*, n.: (Mū) MSV(D) II 208,13–14 (°-arha), 15 (twice, once °-arha), III 13,10ff. (°-krta).

*niśrāyaṇīya*, “dependance”: (Sa?)<sup>13</sup> SHT(V) 47 (1057a, v° 4).

*vigrahaṇīya*, “rebuke”: (Sa or Mū) SHT(VI) 111 (1388, v° 5).

III. **BHS** *pravrajānīya*, n. : Prakīrṇ(Mā-L) 328,4.

**Skt** *pravāsa*, m., “sending away”: (Mū) MSV(D) III 5,3\*.

*pravāsana*, n.: (Mū) Guṇ-VinSū 102,4.

<sup>12</sup>*A-vastukaṃ* (r° 5), *sa-v°* (v° 1), are part of the Mū terminology (see below, second part of n. 28); so is *sthalastha* (v° 3–4; see SVTT I 91, n. 41).

<sup>13</sup>See SVTT II 111, n. 62.

*pravāsaṇīya*, n. : (Mū) MSV(D) II 207,13;<sup>14</sup> Mvy 8644.  
*pravāsaṇīyaṃ karma*, n. : (Mū) MSV(D) II 208,16f., III 18,19ff.  
*pravāsaṇīya-karma* : (Mū) MSV(D) II 208,16f. (°-arha).  
*pravāhaṇīya*, n., “dismissal” : (Sa?)<sup>14</sup> SHT(V) 47 (1057a, v° 4).

IV. **BHS** *pratisāraṇīya*, n. : Prakīrṇ(Mā-L) 328,4. – *grhinām aprasāde pratisāraṇīya karma*, n. : (prob. Mā or Mā-L) Lévi, “Mss sanscrits” 8 (5b3, b4, b10).

**Skt** *pratisamharaṇa*, n., “withdrawal (of offending behaviour)” : (Mū) Guṇ-VinSū 102,5, 103,17–18.

*prati-samharaṇīya*, n. : (Mū) MSV(D) II 208,11, III 25,10f., 26,6–7f. ; Mvy 8645. – (Sa?)<sup>14</sup> : SHT(V) 47 (1057a, v° 5). – Cf. (unidentified school) SHT(V) 116 (1121, B2) *pratisamhara*. +++//

*prati-samharaṇīyaṃ karma*, n. : (Mū) MSV(D) II 207,13, 208,14f., III 25,10ff.

*prati-samharaṇīya-karma* : (Mū) MSV(D) II 208,18f. (°-arha), III 25,9f. (°-kṛta).

V. **BHS** *āpattīya adarśanena utkṣepaṇīyaṃ* [misprinted °nī°] *karma*, n. : BhīVin(Mā-L) 97,5 (cf. 144,14).

**Skt** *adarśanāyotkṣipta*, m(f). : (Sa) SHT(V) 37–38 (1049, v° 2 [v° 3 °nīyotkṣ°]). – °*taka*, m(f). : (Mū) KC, Kaṭh-v 56,2 (≠ MSV(D) II 157,18) ; Lévi, “Mss sanscrits” 34,3 (= MSV(D) IV 65,20–21), 34,10 (so read with GBM(FacEd) X.6, 705 [52, v° 8] = MSV(D) IV 66,6–7) ; MSV(D) III 70,11. – °*takatva*, n. : (Mū) MSV(D) III 69,6.

<sup>14</sup>Omitted in MSV(D) after *nigarhaṇīyaṃ*; see GBM (FacEd) X.6, 887 (187, v° 1).

*adarśanāyotkṣepaṇīyakarmârha* : MSV(D) II 208,22 (so GBM(FacEd) X.6, 887 [187, v° 9] for ed. *adarśaṇīyotkṣ°*).

*adarśanāyotkṣepaṇīyaṃ karma* : (Mū) MSV(D) II 208,18–19 (so GBM(FacEd) X.6, 887 [187, v° 8–9] for ed. *adarśaṇīyotkṣ°*), III 28,10ff.

*adarśa[nā][?yo]tkṣepaṇīyaṃ karmârha* : MSV(D) II 208,20 (so GBM(FacEd) X.6, 887 [187, v° 9])

*āpatter adarśanād utkṣepaṇīya* : (unidentified school) SHT(VI) 77 (1314, A5). – ā° a° °ṇīyaṃ *karma*, n. : (Mū) MSV(D) III 28,12.

VI. **BHS** *āpattīya apratikarmeṇa utkṣipta* : BhīVin(Mā-L) 99,14 (144,14 °-dharmeṇa).

**Skt** *apratikarmârkhāyotkṣepaṇīya* (with °*karmârkhāyotkṣ°* short for °*karmāyotkṣepaṇīyakarmârkhāyotkṣ°*) : (Mū) MSV(D) II 208,21.

(*āpatter*) *apratikarmaṇāyotkṣiptaka*, m(f). : (Mū) KC, Kaṭh-v 56,2 (≠ MSV(D) II 157,18–19) ; Lévi, “Mss sanscrits” 34,11 (so read with GBM(FacEd) X.6, 705 [52, v° 8–9]) ≠ MSV(D) IV 66,7 ; MSV(D) III 70,12 (so read with GBM(FacEd) X.6, 922 [205, r° 1]).

*āpatter apratikarmāyotkṣepaṇīyaṃ karma* : (Mū) MSV(D) III 29,10f. (29,8 °*karmaṇāyotkṣ°*, so GBM(FacEd) X.6, 900 [194, r° 9]).

VII-A. **BHS** *trayānām<sup>15</sup> dṛṣṭigatānām apratinihsargeṇa utkṣipta* : BhīVin(Mā-L) 99,14–15 (cf. 144,14–15).

*pāpikām dṛṣṭiṃ apratinissaranta*, m(f). : PrMoSū(Mā-L) 23,27.

**Skt** *apratinihsrṣṭe pāpake dṛṣṭigate utkṣiptaka* : (Mū) KC, Kaṭh-v 56,3 (= MSV(D) II 157,19). – °*takatva*, n. :

<sup>15</sup>On the three kinds of wrong views according to the Mā(-L) tradition, see Nolot, “Règles” p. 83, n. 73.

(Mū) MSV(D) III 69,6, 70,11 (ed. wrongly °nisr̥ṣṭe; see GBM(FacEd) X.6, 921 [204, v° 3–4], 922 [205, r° 1]).

a° p° d° utkṣepañīyaṃ karma, n.: (Mū) MSV(D) II 209,5–8 (so GBM(FacEd) X.6,888 [188, r° 1]).

apratinir̥ṣṭe pāpake dṛṣṭigate utkṣepañīyaṃ karma: (Mū) MSV(D) III 30,8–9ff. – a° p° d° °ñīyaṃ karma-kṛta 31,8ff. (so GBM(FacEd) X.6, 901 [194, v° 10], 902 [195, r° 3–6]).

adarśanāyotkṣepañīyaṃ apratikarmāyotk° apratinir̥ṣṭe pāpake dṛṣṭigate utkṣepañīyaṃ karma: MSV(D) II 207,13–15 (so GBM(FacEd) X.6, 887 [187, v° 1–2]). – the second sequence with apratikarmāyotkṣepañīya-karmārha ib., v° 10 (ed. 209,3, 4 °karmārhayotkṣepañīyakarmārha). – the third one ib. v° 10 (≠ MSV(D) II 209,2 °nisr̥ṣṭe).

adarśanāyotkṣepakatva, apratikarmāyotkṣ°, apratinir̥ṣṭe pāpake dṛṣṭigate utkṣ°: (Mū) MSV(D) III 67,11–12 (so also GBM(FacEd) X.6, 920 [204, r° 5]; all to be corrected to utkṣiptakatva according to BHSD s.v. utkṣiptaka).

Cf. (Mū) Guṇ-VinSū 102,6–8 āpattāv apratikṛtāyām apratikāryāyām saṃvareṇādṛṣṭim udbhāvayantam anicchantam pratikṛtim anuṣṭhātum anutsr̥jantam ca pāpikāṃ dṛṣṭim utkṣipeyuh.

VII-B. BHS utkṣipta, m(f).: BhīVin(Mā-L) 97,8 (misprinted °ksi°)ff., 144,3ff.; PrMoSū(Mā-L) 23,26. – utkṣiptaka, m(f).: BhīVin(Mā-L) 163,37; PrMoSū(Mā-L) 5,4.

utkṣepaṇa-pācattika: PrMoSū(Mā-L) 23,25.

utkṣepañīya-karma, n.: BhīVin(Mā-L) 143,3, 19 (so ms.). – °ñīyaṃ karma: BhīVin(Mā-L) 97,6, 143,4f., 151,9, 312,2; Prakīrṇ(Mā-L) 328,6 (misprinted °ni°).

Skt utkṣipta, m.: (Sa) PrMoSū 260 (HL, v° 2). – (Mū) MSV(D) II 190,16f., 192,13f., 194,3, III 69,21.

utkṣiptaka, m(f).: (Mū) Guṇ-VinSū 103,4; Guṇ-VinSū(Pravr-v) 55,21; MSV(D) II 113,15ff., 154,15 (= KC, Kath-v 53,28), 176,7ff., 178,5ff., 190,13ff., 194,4f., IV 250,4f. (= Saṅghabh II 272,12f.).

utkṣepaka, m(f).: (Mū) MSV(D) II 176,16ff., 179,15, 191,7f., IV 250,9f. (= Saṅghabh II 272,14f.).

utkṣepañīyaṃ karma, n.: (Sa?)<sup>16</sup> SHT(V) 47 (1057a, v° 2, v° 3). – (Mū) BhīKaVā(S) 267,14–15, 268,6; Guṇ-VinSū(Pravr-v) 55,23; MSV(D) II 176,4, 201,13, 202,6.

utkṣepañīya, n.: Mvy 8646.

utkṣepañīya-karma, n.: (Sa) Hoernle, MR 12, v° 1. – (Mū) Adhik-v 103,13, 104,3f.; BhīKaVā(S) 267,14–15, 268,5–6; MSV(D) II 209,1, 210,17, IV 27,11. – utkṣepañī-karma: (Sa?)<sup>16</sup> SHT(V) 46 (1057a, v° 1).

2. According to the account in the Cullavagga of the circumstances which are said to have led to the prescription of these disciplinary procedures, *tajjanīya* applies especially to quarrelsome monks;<sup>17</sup> *nissaya* to unskilled ones who repeatedly commit Saṃgh. offences and who mix unbecomingly with lay people;<sup>18</sup> *pabbājanīya* to those who create a

<sup>16</sup>See SVTT II 111, n. 62.

<sup>17</sup>This is expressed by the stock phrase *bhaṇḍana-kāraṇa-kā kalaha-k° vivāda-k° bhassa-k° saṃghe adhikaraṇa-k°*, “they raise quarrels, strife, dissensions; they raise disputes among the chapter” (Vin II 1,8–10 ≠ I 328,25–27). – Cf. (Mū) Guṇ-VinSū 102,3 *kalaha-kāraṇa[m] tarjayeyuh* [so read] *karmaṇā*.

<sup>18</sup>This is expressed by the stock phrase *bālo hoti avyatto āpatti-bahulo anapadāno gihi-saṃsaṭṭho viharati ananulomikehi gihi-saṃsaṃgehi*, “he is unskilled, incompetent, ridden with offences, unable to discern them; he associates unbecomingly with lay people” (Vin II 7,17–19 = I 330,4–6). Contrary to what is stated in SBE XVII 343 n. 1, 384 n. 1 (cf. BD V 11 n. 3), followed by me in SVTT III 131, § 4c, what is meant in the next sentence is quite clearly the repeated commission of offences that all belong to the Saṃgh. category (Vin II 7,19–21 *api ‘ssu bhikkhū pakatā parivāsaṃ dentā mūlāya paṭikassantā mānattaṃ dentā abbhentā*:



scandal by their immoral behaviour and to those who corrupt lay people's minds;<sup>19</sup> *paṭisāraṇīya* to those who scoff and jeer at faithful, generous lay followers;<sup>20</sup> *ukkhepanīya* to those who refuse either to see or to redress an offence, or who refuse to give up a wrong opinion.<sup>21</sup>

3. As in the case of *parivāsa* and *mānatta*, all the procedures by which the penalties are to be inflicted, then can-

"Moreover, the monks kept granting him probation, sending him to the beginning, granting him re-admission" [BD V 11 (see *ib.* n. 2) translates *pakatā* by "were done up with"; Sp 1157.21-22, however, glosses the term by *nicca-byāvaṭā*). The Saṃgh. offences are indeed mentioned explicitly in the Skt and Tib. Mū parallels (MSV(D) III 11.15-16; Banerjee, SarvLit 224-25).

<sup>19</sup>This is expressed by the stock phrase *ime ... bhikkhū kula-dūsakā pāpa-samācārā, imesaṃ pāpakā samācārā dissanti c' eva suyyanti ca kulāni ca imehi duṭṭhāni dissanti c' eva suyyanti ca*, "these monks corrupt the laity, they behave immorally; their immoral behaviour is both to be seen and heard, and so are the lay people they have corrupted" (Vin II 13.3-6 = I 330.16-19). This stock phrase is extracted from the *sikkhāpada* of the Thv(M) 13th [bhu] Saṃgh. (Vin III 184.9-12\*\*f.; see below, § 7b).

<sup>20</sup>This is expressed by the stock phrase *kathaṃ ... tvaṃ ... gahapatim saddhaṃ pasannaṃ dāyakaṃ kārakaṃ saṃgh' upaṭṭhāhakaṃ hīnena khumessasi hīnena vambhessasi*, "how can you jeer and scoff at a faithful, believing householder who makes gifts, who is active, who supports the community?" (Vin II 18.4-7 f.), or *bhikkhu gihī akkosati paribhāsati*, "a monk abuses and reviles laymen" (Vin I 330.22-23), or *upāsake saddhe pasanne akkosati paribhāsati appasādaṃ karoti*, "he abuses, reviles, spoils the faith of, believing and faithful lay followers" (Vin II 295.2-7, in a debatable procedure).

<sup>21</sup>This is expressed by the stock phrases *āpattim āpajjitvā na icchati āpattim passitum*, "although he has committed an offence, he refuses to see it" (Vin II 21.8f. = I 330.28-29); *āpattim āpajjitvā na icchati āpattim paṭikātum*, "although he has committed an offence, he refuses to redress it" (Vin II 25.3 = I 330.35); *bhikkhuno ... evarūpaṃ pāpikaṃ diṭṭhigataṃ uppannaṃ ... so taṃ diṭṭhiṃ na paṭinissajjati*, "a monk has formed this kind of wrong opinion ... and does not give it up" (Vin II 26.38-27.2), or *bhikkhu na icchati pāpikaṃ diṭṭhiṃ paṭinissajjitum*, "a monk refuses to give up a wrong opinion" (Vin I 331.3-4).

celled, are of the most elaborate, fourfold type.<sup>22</sup> They may be considered as valid, and the matter as settled, only if each of the following conditions is fulfilled:<sup>23</sup> participation (*sammukhā*)<sup>24</sup> of a regular chapter including the required quorum of (four) monks, conformity to rules and to monastic discipline, and participation of the guilty monk in person; due inquiry (*paṭipucchā*) into the case; acknowledgement (*paṭiññā*)<sup>25</sup> of his offence by the monk; reality of an offence that may be, but is not yet, redressed by confession;<sup>26</sup> due reproof (*codetvā*) of the guilty monk after inquiry; then reminding (*sāretvā*) him of his offence and charging (*ropetvā*) him with it.<sup>27</sup>

<sup>22</sup>See SVTT I 84-85, § 3d. An exception is, in the Skt Mū parallel at MSV(D) III 26.1-10, the onefold *jñapti-karma* by which the *prati-samharaṇīya-karma* is to be revoked.

<sup>23</sup>Vin II 2.20-4.15 (*tajjanīya*), 8.2-22 (*nissaya*), 12.37-13.23 (*pabbājanīya*), 18.11-32 (*paṭisāraṇīya*), 21.22-22.9 (*āpattiya adassane ukkhepanīya*), 25.4-5 (*ā° appaṭikamme ukkh°*), 26.34-27.21 (*pāpikāya diṭṭhiya appaṭi-nissagge ukkh°*).

Skt Mū parallel: MSV(D) III 5.15-7.3 (*tarjanīya*), 12.4-13.9 (*nigaranīya*), 18.18-19.8 (*pravāsaṇīya*), 24.12-25.8 (*pratisamharaṇīya*), 28.12-29.3 (*āpatter adarsane uktṣepaṇīya* [the procedure however includes the formula *yathā dharmaṃ na pratikaroti*, which strictly speaking belongs to the next kind of *uktṣepaṇīya*]), 29.10-30.2 (*ā° apratikarmāyōtkṣ°*), 30.11-31.6 (*apratinirṣṭe pāpake drṣṭigate utkṣ°*).

<sup>24</sup>Cf. SVTT II 99-101, § 2 a and n. 29.

<sup>25</sup>See SVTT II 113, n. 64; on these first three provisions, see also Vin I 325.26-326.31.

<sup>26</sup>This provision contradicts the technical interpretation of the statement that the penalties dealt with here apply to monks who stray from morality (*sīla-vipanna*), i.e., those guilty of a Saṃgh. offence, which may not be redressed by (mere) confession (see above, § 1, and SVTT II 97, n. 19, 112, n. 63). As to how Vjb solves this contradiction, see below, n. 47.

<sup>27</sup>Urging a monk to acknowledge his offence also includes asking his permission (*okāsaṃ kārāpetvā*) to talk to him about it (see SVTT III 121, n. 16); this stage is not mentioned here, but is prescribed at Sp

The importance of the right performance of these procedures (cf. SVTT I 75–78, §§ 1–2) is further stressed at Vin I 328,25–33,31, which deals at length with each possible ground for formal invalidity, and the disputes that may ensue among the community.

4. There are several differences between these and the *mānatta/parivāsa* procedures, and the penalties entailed.

(a) The range of application of the procedures dealt with here is greater, but they do not, according to the Cullavagga, apply to the *unrepeated* commission (see above, n. 19) of Saṃgh. offences ;

(b) no distinction is made between cases when the offence was concealed and when it was not;<sup>28</sup>

(c) unlike the proceedings applying to Saṃgh. offences of the *yāva-tatiyaṃ* sub-class (see below, SVTT X n. 10), no standard (formal or informal) threefold admonition of a

624,7–17, among the proceedings preliminary to a *pabbājanīya-kamma*, which may not, as stressed by Sp *ib.*, be carried out without acknowledgement (*paṭiññā*) of his offence by the guilty monk. These proceedings apply to all and any disciplinary procedures, except, according to a late, sub-commentarial statement, to that of *brahma-daṇḍa* (see below, SVTT X, § 2 c).

As for the Tib. Mū parallel, Banerjee, SarvLit 227 wrongly paraphrases *khas-blaṅs*, “acknowledgement”, by “a competent monk should acquaint the Saṅgha about the offence”; the Tibetan term actually corresponds to Pāli *paṭiññā*, Skt *pratijñā* (Mvy 8637). The latter occurs at MSV(D) II 201,12–13 = 202,5–6, 9–10: *tais tasya acodayitvā asmārayitvā avastukam apratijñāyā balād utkṣepañīyaṃ karma kṛtaṃ* (so GBM(FacEd) X.6, 884 [186, r° 3, r° 6, r° 7] ; the editor’s readings, *tasyācodayitvāsmārayitvā vastukarma-pratijñāyā*, make no sense; neither does the misreading *vyagreṇa* for ‘*dyāgreṇa* at 202,9). At MSV(D) III 5,17, 6,1, 12,6,9, *avastukam apratijñāyā* should read °*jñāyā* (so GBM(FacEd) X.6, 889 [188, v° 5, v° 6], 892 [190, r° 6, r° 7]). – Cf. above, n. 13.

<sup>28</sup>Possibly, as O. von Hinüber has suggested to me, because the offences concerned here are, by their very nature, “public”, and therefore “technically impossible” to conceal.

monk takes place here before he is officially sentenced as guilty ;

(d) this monk is not expected to make a formal, threefold application before the chapter for the penalty he incurs, which is not “granted” (*dinna*) to him, but “proceeded to” (*kata*) against him.<sup>29</sup> Accordingly, whereas the stress there is on the willingness of a monk guilty of a Saṃgh. offence to apply to the chapter (*saṃgho icchitabbo*) for redress (*vuṭṭhātu-kāma*),<sup>30</sup> what is stressed here is self-submission : a monk undergoing any of the seven penalties dealt with here is expected to “duly observe the restrictions to his rights, behave with subdued manners, and follow the course leading to release” from both his offence and the penalty entailed;<sup>31</sup> only then may he make a formal, threefold application to the chapter in these very same terms (to be repeated by the chairman) for the cancellation of the penalty;<sup>32</sup>

<sup>29</sup>Compare Vin II 38,12–39,14 (cf. SVTT III 117–118, § 1) with 2,20–23ff. (complete references as above, n. 24).

<sup>30</sup>See SVTT III 117–118, n. 7. As suggested to me by R.F. Gombrich, the expected eagerness of a guilty monk to apply for the *mānatta* penalty might give a clue as to the etymology of the latter term (cf. SVTT III, 117 n. 6, where the references to the traditional etymology quoted or referred to are all post-canonical except the (Sa) PrMoSū): Skt *māna*, “self-attribution” (cf. *x-mānin*, “attributing to oneself the quality of *x*”) + *tva*.

In post-canonical literature at least, as far as lexicographical tools allow checking, (v)uṭṭhāna-gāminī āpatti refers regularly to *saṃghādisesa* (e.g., Sp 236,32–33, 584,5–6, 873,29, 877,7, 989,30, 1319,24, 1353,16–17 ; Vin-vn 3103). Cf. below, *TPāp* n. 20.

<sup>31</sup>°*kammakatā sammā-vattanti lomam pātentī netthāraṃ vattanti* (Vin II 5,18–19ff.). Skt Mū parallel : MSV(D) III 7,14–17, 13,16–19, 25,12–15, 31,8–10.

<sup>32</sup>This is not so in the Skt Mū parallel, which distinguishes, in its account of *tarjanīya*, between the restrictions to be observed when undergoing the penalty (MSV(D) III 7,5–11 ; see below, *TPāp* n. 22), and the conditions under which the monk may be restored (*osārīta* ; cf. below, n. 36) to full status. Besides submissive behaviour, these specific

(e) except in the case of suspension, the penalties dealt with here are lighter than *parivāsa* and *mānatta*: in particular, they include neither constant control by a regular chapter, nor informing each and every monk about one's status, nor restrictions on moving alone freely;

conditions are (III 7,20–9,14 ; cf. BhīKaVā(S) 267,16–18, with Chinese and Tib. Mū parallels in BhīPr 81–83) : standing within the boundary (*sīmā*) when one applies for restoration (see below, n. 100, and SVTT V n. 31) ; stating formally that one gives up the misbehaviour for which one was sentenced ; relying neither on the king's household, nor on a *yuktakula* [?] (also Guṇ-VinSū 101,30), nor on non-Buddhist ascetics, nor on an individual, but on the Saṃgha exclusively ; dressing neither like laymen nor like non-Buddhist ascetics ; abstaining from following the latter, and from misbehaving ; observing the monks' training ; abstaining from reviling or abusing them, and from wishing for losses to the Saṃgha (cf. the restrictions said to be entailed by suspension in Thv(M) texts, below § 8 a).

As for restoration after *nigarhaṇīya*, the fivefold, specific conditions are just those of submissive behaviour, together with standing within the boundary, and stating formally that one gives up one's misbehaviour (14,2–4).

As for *pravāsaṇīya*, the text is so abridged that neither the restrictions to the sentenced monk's rights nor the conditions for his restoration are listed (18,18–19,8).

As for *pratisaṃharaṇīya*, the restrictions seem to be identical with those applying to *tarjanīya* (25,9–11) ; the fivefold conditions for restoration are identical with those applying in case of *nigarhaṇīya* (25,19–21).

As for the threefold *utkṣepaṇīya*, the restrictions and the conditions for restoration are said to be identical with those applying in case of *tarjanīya* (29,3–4, 30,1–2, 31,6–7, 14–16). – Here, unlike what is prescribed in the Cullavagga, the conditions for restoration applying to the cases of *both tarjanīya* and threefold *utkṣepaṇīya* (see below, end of § 8a) are more severe than those applying in case of *nigarhaṇīya*, *pravāsaṇīya*, and *pratisaṃharaṇīya*.

(f) the duration of these penalties is not fixed in advance,<sup>33</sup> but depends on the monk's manifest self-submission and his explicit acknowledgement of it in the terms quoted above (d) ;<sup>34</sup>

(g) in the *Kamma-kkhandhaka* of the Cullavagga, the procedure by which the penalty is eventually cancelled is simply termed “cancellation” (*paṭippassaddhi*) in all cases,<sup>35</sup> and may be carried out by the smallest chapter (of four monks), in contrast to the one that applies to the redress of Saṃgh. offences, which requires the biggest quorum of monks (twenty) and is designated by the specific term *abbhāna*, “readmission” (see SVTT III 133–35, § 6).

5a. The rights of a monk subjected to a *tajjanīya* procedure are curtailed according to eighteen prescriptions that also apply partly to *parivāsa* and *mānatta* :<sup>36</sup> he should not grant ordination, give guidance to newly ordained monks,

<sup>33</sup>Cf. SVTT III 119ff., § 1a, 2ff. Sp 1157,18–20 states that the penalties dealt with here should last ten or twenty (so E<sup>c</sup> ; Bp, and C<sup>c</sup> (SHB 1948) 858,15 : “or five”) days.

<sup>34</sup>*Tajjanīya-kamassa* [etc.] *paṭippassaddhiyā sammā-vattanā ādi* (Vin V 142,31–36). See also Vin V 182,34–183,10, with Sp 1371,27–29 (reading logically *anulomavatte na* [C<sup>c</sup> (SHB 1948) 1018,10–11 *anulomavatte* (line 11) *na* is inconclusive, since a word printed over two successive lines is never hyphenated in this edition]). Sp's *prima facie* metaphorical statement that if the sentenced monk does not behave properly, *sarajjuko* 'va *vissajjetabbo*, is not clear to me.

<sup>35</sup>Vin II 6,26–7,15 (*tajjanīya*), 9,4–27 (*nissaya*), 15,6–27 (*pabbājanīya*), 21,1–3 (*paṭisaraṇīya*), 24,29–33, 25,5–7, 28,12–17 (threefold *ukkhepanīya*). On the twofold technical sense of *nissaya-paṭippassaddhi*, see above, n. 8. Outside the *Kamma-kkhandhaka*, the term *osāraṇā*, “restoration”, often refers specifically to the cancellation of suspension (see below, SVTT V, § 6 b) — unlike its SktMū parallel, which reads consistently *osāraṇā* here in all cases (MSV(D) III 9,15–11,3 [*tarjanīya*], 14,5–15,9 [*nigarhaṇīya*], [the restoration after *pravāsaṇīya* is not mentioned], 26,1–10 [*pratisaṃharaṇīya*, a *jñāpti-karma*], 31,16–32,12 [third *utkṣepaṇīya*; the restoration after the first two is not dealt with]).

<sup>36</sup>See SVTT III 119–21, § 1a.



be waited upon by novices, be appointed as exhorter of nuns or exhort them if appointed before he became liable to this procedure, commit again the same, or a similar, or a graver offence, criticize either the procedure or those who carried it out, suspend (on account of some irregularity) the participation of a regular monk in the ceremonies of either *uposatha* or *pavāraṇā*, issue commands, exercise authority, urge a monk to acknowledge an offence, or quarrel with other monks.<sup>37</sup>

5b. The restrictions imposed by *nissaya*, *pabbājanīya* and *paṭisāraṇīya* are the same,<sup>38</sup> but each include a further, specific clause that occurs first (except for *pabbājanīya*) in the account of how the Buddha is said to have prescribed it, then consistently as a formula to be uttered by the chairman during the procedure. These are respectively :

(a) *nissāya te vatthabbam*, “you must live in dependence [on an adviser]”; the sentenced monk is thereby expected to seek advice from learned monks, until he acquires a sound knowledge of doctrine and discipline, and proves able to act with discretion;<sup>39</sup>

(b) *na [itthan-nāmeḥi] bhikkhūhi [itthan-nāmasmiṃ āvāse] vatthabbam*, “the monks [So-and-So] must leave [their residence in X]”,<sup>40</sup>

<sup>37</sup>Vin II 5,5–16 (*tajjanīya*) (= 32,2–11 about *parivāsa*, with Sp 1155,23–56,14, 1157,13–14, the latter referring to 1162,1–63,22). – Skt Mū parallel: MSV(D) III 7,4–13.

<sup>38</sup>Vin II 8,20–23 (*nissaya*) = 14,7–9 (*pabbājanīya*) = 19,18–19 (*paṭisāraṇīya*). – Skt Mū parallel: MSV(D) III 13,10–15; summary of Tib. Mū parallels: Banerjee, SarvLit 227.

<sup>39</sup>Vin II 8,1–2, 5–7 f., 25–30.

<sup>40</sup>Vin II 13,8–9 f. Contrary to what is implied by Hüsken, “Stock” 214–15 (§ 8), there is no indication that a monk sentenced to *pabbājanīya* should leave his residence *alone*.

(c) [*itthan-nāmo*] *te gahapati khamāpetabbo*, “you must ask the layman [So-and-So] to forgive you”;<sup>41</sup> the monk is thereby requested to apologize to the offended lay donor, and should observe the prescribed restrictions until he does. When held back by shame from apologizing, he may be accompanied by a mediator monk, duly appointed to this office by a twofold procedure (*cf.* Vin II 295,7–18). If the offended party refuses the offender’s apologies; the mediator is to plead for forgiveness first in the offender’s, then in the monastic community’s name; then, if unsuccessful, to make the offender confess his offence within eye- and ear-shot of the former.<sup>42</sup>

5c. The restrictions imposed by *ukkehpanīya* are much more severe (see below, § 8a); both the wording of the rule attributed to the Buddha and the procedure include the specific formula that epitomizes them: *a-sambhogam saṃghena*, “[suspension] involving suppression of dealings with the community”.<sup>43</sup>

6a. Although the narratives and descriptions of procedures in the Cullavagga point to the application of one

<sup>41</sup>Vin II 18,9–11, 18–19 f. Only here does a corresponding formula occur in the Skt Mū procedure (MSV(D) III 26,10–11 *gaccha taṃ ḡhapatim kṣamaya*).

<sup>42</sup>Vin II 19,21–20,22 *āpatti desāpetabbā* (DEBMT 132 “admonish the guilty monk” is wrong). One might argue (as I did) that, according to Vin IV 32,11–12, disclosing to laymen a minor offence (*a-duṭṭhullā āpatti*) committed by another monk entails a Dukk. offence, unless the Saṃgha moves a formal agreement to do so (for complete references, see below, SVTT VIII n. 8). Here, however, the monk who committed an offence discloses it himself, be it willy-nilly or under the control of a “mediator” monk whose job is to enforce the Saṃgha’s benevolent policy (be it by formal or informal agreement) towards lay donors. I owe the core of this piece of casuistry, for whose elaboration I am solely responsible, to O. von Hinüber.

<sup>43</sup>Vin II 21, 21–22, 28–29 f., 25,2–7 (truncated E<sup>c</sup>), 26,30–34, 27,3–5 f. See below, § 8 b.

specific penalty to one specific type of misbehaviour, the same text goes on to state that a strict correspondence between the two is not a *sine qua non* condition of validity for the procedures entailed: any of the seven procedures except the fourth<sup>44</sup> may be carried out against five types of monks:

- (i) quarrelsome ones who foster disputes (*adhikaraṇa*)<sup>45</sup> among the chapter;
- (ii) inexperienced ones who constantly commit offences that they are unable even to discern;
- (iii) those who mix unbecomingly with lay people;
- (iv) those who stray from morality, right behaviour, or right opinions;<sup>46</sup>
- (v) those who disparage the Buddha, the doctrine, or the monastic community.<sup>47</sup>

<sup>44</sup>Cf. Sp 1158,18 [*paṭisāraṇiyāraho bhikkhu*] *aṅga-samannāgato purimehi asadiso*.

<sup>45</sup>See SVTT II.

<sup>46</sup>*Sīla*°, *ācāra*°, *duṭṭhi-vipatti*; see SVTT II 97, n. 19 (add to the references given there Sp 588,21–27 [ChinSp 389 (48)], 1413,32–14,2, Vin-vn 3103–106; cf. BD II 221 n. 1). Vjb 507,9–508,9 solves the technical inconsistency resulting from *sīla-vipatti* = Pār. or Saṃgh. (to which, according to canonical texts, the penalties dealt with here do not apply: see above, § 3 and n. 27) as follows (full text at the end of this paper, in Appendix II): if a monk strays from morality, the chapter may choose not to charge him with a Saṃgh. but to stress another aspect of his misbehaviour, and to carry out the relevant procedure. Although the technical definitions of both *sīla-vipatti* and *adesanā-gāminī āpatti* include the Pār. as well as the Saṃgh. offences, what is implied here is, according to Vjb, the Saṃgh. class; the Pār. are mentioned only for the sake of completeness (on the application of this restriction to two synonyms of *adesanā-gāminī āpatti*, see SVTT III 132, n. 48 [*duṭṭhullā āpatti*]; Nolot, “Règles” 401–404 with SVTT III 135, n. 52 [*garukā āpatti*]).

<sup>47</sup>Vin II 4,17–5,3 (*tajjanīya*), 8,20–23 (*nissaya*), 22,7–9, 25,1–7, 27,19–21 (threefold *ukkhepanīya*). The corresponding penalty for novices who disparage them is expulsion (*nāsanā*; see below, SVTT VI, § 2 a–b).

*Pabbājanīya* applies to the same and, more specifically, to frivolous monks, to those whose bad behaviour and lack of training bring the Pātimokkha rules to naught, and to those whose means of livelihood are corrupt (Vin II 13,23–14,16 with Sp 1157,26–58,5).

*Paṭisāraṇīya* does not apply to the above types, but is restricted to monks who cause losses to lay people, or who abuse them, or who foster quarrels among them,<sup>48</sup> or who speak ill of the Buddha, the doctrine or the monastic community in their presence,<sup>49</sup> or who scoff and jeer at them, or who are not true to their promises to them.<sup>50</sup>

6b. Now, as discussed at Sp 1156,13–57,13, although carrying out one procedure against a monk who is actually liable to another procedure is said to invalidate the former,<sup>51</sup> this provision does not apply here: invalidation ensues only if the chapter chooses one specific procedure (whereupon the monk becomes *ipso facto* liable to it (°-*kammāraha*)) then

<sup>48</sup>These are, *mutatis mutandis*, the same grounds as those on which a *daṇḍa-kamma* penalty is to be inflicted on novices who cause losses, etc., to the monks (Vin I 84,9–13), and on monks who cause losses, etc., to the nuns (see below, SVTT VII, § § 2–3).

<sup>49</sup>These and the former grounds are the same, *mutatis mutandis*, as those on which a *pattanikkujjana-kamma* is to be carried out against lay followers who do not respect monks (Vin II 125,12–20; see below, SVTT IX).

<sup>50</sup>Vin II 18,33–19,16 with Sp 1158,22–29. These five applications are further systematized, now including *paṭisāraṇīya*, by triads at Vin V 121,24–122,26 with Sp 1327,10–28,1. Vin V 122,7–10 adds a sixth possibility: the chapter may “contemplate making [the penalty] more stringent” (*āgālhāya ceteyya*; cf. v.Hi., “Kasussyntax” § 176) for the same five types of monks; according to Sp 1327,10–13, this means that when the prescribed penalty is not observed properly, the chapter may decide to carry out a procedure of suspension, presumably for refusing to redress one’s offence (cf. below, § 6c; on the greater severity of the penalty entailed by *ukkhepanīya*, see below, § § 8 a–b).

<sup>51</sup>Vin I 325,32–28,23 (Sp 1156,18–22 refers to Vin I 327,1–24).

carries out another one.<sup>52</sup> According to Sp 1292,9–12 (*ad* Vin II 261,12–14, and quoting Vin I 327,2–3), the same applies to nuns acting in chapter, after the monks have stated which procedure the latter should carry out (*cf.* SVTT II 94, end of n. 10).

This explanation brings to attention the phrase *ākaṅkhamāno saṃgho*, “the chapter may choose [this or that among the six (Cullavagga) or seven (Parivāra, as above, n. 51) procedures]”, that recurs again and again in this context and contrasts with *kammaṃ kātabbhaṃ*, “a [disciplinary] procedure must be carried out”, at Vin V 122,10–26<sup>53</sup>: whichever

<sup>52</sup>*Yadā saṃghena sannipatitvā idaṃ nāma imassa bhikkhuno kammaṃ karomā ti sannipitthānaṃ kataṃ hoti, tadā so kammāraho nāma hoti, tasmā iminā lakkaṇaṇa tājjanīyādi-kammārahassa niyasa-kammādi-karaṇaṃ* [for *nissaya*-°; see above, n. 8] *adhamma-kammañ c’ eva avinaya-kammañ cā ti veditabbhaṃ* (Sp 1156,26–57,2; *cf.* Vmv II 205,26–206,7). As Vjb 507,15 puts it, “what is to be considered here is the intention of the agent [of the procedure, *i.e.*, the chapter]” (*kattu adhippāyo ettha cintetabbo*; see Appendix II, at the end of this paper). See also Sp 1147,7–22 (with Sp-ṭ III 346,24–47,14, Vmv II 205,26–206,7) *ad* Vin I 321,29–22,4: even though the specific ground (*i.e.*, *kula-dūsaka*: see above, § 2 and n. 20) for dismissing a monk (*nissāraṇā*; see below, SVTT V, § 6a) by a *pabbājanīya-kamma* is missing, and the guilty monk is described instead as *bālo avyatto ... gihi-saṃsaggehi* (therefore liable *stricto sensu* to a *nissaya-kamma*: see above, § 2 and n. 19), *pabbājanīya* is still valid, because of the provision that the chapter may choose to carry out such a procedure (referring to Vin II 13,23–37 [truncated E° to be filled in with 4,17–5,3]). – *Cf.* (Mū) Guṇ-VinSū(Pravṛ-v) 13,24–25 *kalaha-vivādādinā tarjanīyādi iṣṭakarma-karaṇaṃ bhavati*: “as concerns quarrels and strife and so on, the decision to apply the procedure of blame or another one is a matter of choice”. – As for how the decision is to be made practically, see below, § 6c.

Sp’s discussion gives further precision to the definition of °-*kammāraha* (see SVTT I 75–76, n. 3): a monk or nun is termed “liable to an *x*-procedure” from the moment the chapter resolves upon it by naming it explicitly (and irrevocably).

<sup>53</sup>Proceeding by triads; the same materials are dealt with by pentads at Vin V 181,27–82,27.

of the seven procedures the chapter eventually chooses (*ākaṅkhamāno*, 121,24–122,10 with Sp 1327,13–28,1), action *should* be taken (*kammaṃ kātabbhaṃ*) against unscrupulous, incompetent,<sup>54</sup> frivolous, immoral, disparaging monks, and against those who do not observe the penalty inflicted on them properly.

Indeed, one of the main differences between the set of procedures studied here and those of *parivāsa/mānatta* lies in the phrase *ākaṅkhamāno saṃgho*. This difference is made clear by the occurrences of its synonym *saṃgho ... kammaṃ kattu-kāmo hoti*, in the sentence *sace* (or *idha pana*) *saṃgho upajjhāyassa* (or *saddhi-vihārikassa*, or *bhikkhussa*, or *bhikkhuniyā*) *kammaṃ kattu-kāmo hoti tājjanīyaṃ vā ... ukkhepanīyaṃ vā ...*,<sup>55</sup> “now if the chapter wishes to carry out a procedure of blame ... or of suspension against a preceptor (or his pupil, or a monk, or a nun) ...”. This phrase contrasts with the one which precedes it: *sace* (or *idha pana*) *upajjhāyo* (or *saddhi-vihārik*, or *bhikkhu*, or *bhikkhunī*) *garudhammaṃ ajjhāpanno hoti parivasāraho* (or *mānattārahā*) ..., “now if a preceptor [etc.] has committed a ‘heavy offence’ [*garu-dhamma*, *i.e.*, a *Saṃgh.*; see SVTT III 135–136 n. 52] and is liable to *parivāsa* (or *mānatta*). ...”<sup>56</sup> What this contrast means is that the redress of the five kinds of

<sup>54</sup>Vin 122,12 *bālo ca apakatatto ca*; according to Sp 1327,14–18, *bāla* here means: “ignorant of what is legitimate and what is not”, and *apakatatta* menas: “unable to tell what is an offence from what is not” (and therefore “irregular” because guilty of the one or the other, out of ignorance; on *pakatatta*, see SVTT III 122–123, n. 18–19; 125, n. 27; 134, n. 50; on ignorance of the Pātimokkha rules, see *ib.* 132, n. 47). No disciplinary action should be taken on just one of these grounds (Sp 1327,15–16 *ettāvata kammaṃ na kātabbhaṃ*, misunderstood at BD VI 191 n. 2), but only on both.

<sup>55</sup>Vin I 49,28–30 (= II 226,28–31) ≠ 53,3–5 (= II 230,13–15) ≠ 143,32–35 ≠ 145,16–18.

<sup>56</sup>Vin I 49,18–19 (= II 226,19–20) ≠ 52,31–32 (= II 230,2–3) ≠ 143,6–7f. ≠ 144,36–38.

misbehaviour described above, while it does entail procedures, may be achieved by any of those studied here:<sup>57</sup> it is left to the chapter to stress this or that factor (quarrelsomeness, ignorance, frivolity, etc.), and to charge a monk accordingly. As to the redress of Saṃgh. offences by otherwise very similar procedures, it leaves no such choice: the procedures have to be *parivāsa* and/or *mānatta* (depending not on the chapter's decision, but on whether the guilty monk concealed his offence or not).

This interpretation is confirmed by the prescriptions introduced by each of the two contrasting sentences just quoted, and by their commentary at Sp 981,8–20: if a chapter contemplates carrying out a *tajjanīya-kamma*, etc., against one's preceptor, etc., one is expected to plead for a lighter penalty, or for nonsuit,<sup>58</sup> or if the procedure has already been carried out, to encourage the sentenced person to behave properly; but if one's preceptor, etc., is liable to *parivāsa* and/or *mānatta*, one has no alternative but to plead for simply being allowed to act according to fixed procedures.<sup>59</sup>

<sup>57</sup>Except by *paṭisāraṇīya* according to the Cullavagga, but including it according to the Parivāra (references as above, n. 51), which means that a monk who happens to offend a lay donor may be sentenced to any of the seven penalties, if the chapter decides to stress another aspect of his misbehaviour.

<sup>58</sup>This is not, however, what Sāriputta and Moggallāna are reported to have done when enjoined by the Buddha to go and carry out a *pabbājjanīya* procedure against monks who were, as stressed by the Buddha himself, their own pupils (Vin II 12,30 = III 182,37), unless their reported fright at the idea of dealing with the guilty monks is interpreted, *cum grano salis*, as an excuse, with the ulterior motive of dissuading the Buddha from taking such a step. The aggressiveness of Assaji and Punabbasuka towards their former *upajjhāyas* is, however, a well documented motif (see, e.g., Vin II 171,3–25).

<sup>59</sup>Vin I 49,19–27, 30–37 (= II 226,20–28, 31–38) ≠ 52,32–53,1, 53,5–12 (= II 230,4–12, 15–22) ≠ 143,11–12 f., 143,38–144,2, 7–9 ≠ 145,3–4 f., 22–23, 29–30. Monks may (and should) break their monsoon retreat for up to seven days for the same purposes.

The same distinction occurs in the Skt and Tib. Mū parallels to the Thv(M) prescriptions concerning one's preceptor, etc.;<sup>60</sup> the authority thus given to the Order when deciding which disciplinary procedure should be carried out (as opposed to the fixed rules to be applied in the granting of *parivāsa* and *mānatta*) is therefore not to be seen as a

Further confirmation comes from the very carefully devised stock phrases attributed to the Buddha when framing symmetrical or twin rules: compare *pañcahi bhikkhave aṅgehi samannāgatassa bhikkhuno ākaṅkhamāno saṃgho paṭisāraṇīya-kammaṃ kareyya*: *gihīnaṃ alābhāya parisakkati ... gihī gihīhi bhedeti*; *imehi kho bhikkhave pañcah' aṅgehi s° bh° ākaṅkhamāno s° p°-kammaṃ kareyya*. *Aparehi pi pañcahi ... kareyya*: *gihīnaṃ buddhassa avaṇṇaṃ bhāsati ...*; *imehi kho ... kareyya* (Vin II 18,33–19,2) with *tena hi bhikkhave saṃgho Vaddhassa Licchavissa pattaṃ nikkujjatu asambhogam saṃghena karotu*. *Aṭṭhahi bhikkhave aṅgehi samannāgatassa upāsakassa patto nikkujjitaḥ*: *bhikkhūnaṃ alābhāya parisakkati ... bhikkhū bhikkhūhi bhedeti*, *buddhassa avaṇṇaṃ bhāsati ... Anujānāmi ... pattaṃ nikkujjituṃ* (Vin II 125,13–22), and with *anujānāmi bhikkhave pañcah' aṅgehi samannāgatassa sāmaṇerassa daṇḍa-kammaṃ kātuma*: *bhikkhūnaṃ alābhāya parisakkati ... bhikkhū bh° bhedeti*. *Anujānāmi bh° imehi pañcah' aṅgehi sam° s° d°-kammaṃ kātuma* (Vin I 84,9–15) (on *patta-nikkujjana* and *daṇḍa-kamma*, see below, resp. SVTT IX and VII; on *anujānāmi*, “I prescribe”, see Bechert, “Schism Edict” 63). –A IV 344,24–25 reads however: *aṭṭhahi bhikkhave aṅgehi samannāgatassa upāsakassa ākaṅkhamāno saṃgho pattaṃ nikkujjeya* (*idem* with *ukkujjeya* at 345,8–9).

<sup>60</sup>The alternative character of the seven procedures studied here is expressed by the term *praṇidhi-karma*, “ad hoc procedure” at Mvy 9304, and in Guṇ-VinSū(Pravṛ-v) 14,12–17: *saṃghe praṇidhātu-kāme* [Guṇ-VinSū 3,1] *utkṣepanīyādi-praṇidhikarma kartu-kāme saṃghe aho vata saṃgho niśrayasyedaṃ* [Guṇ-VinSū ib. *saṃgho 'syedaṃ*] *praṇidhi-karma na kuryāt*. *Iti tīvram autsukyam āpadyate nivartate yāvat āvr̥het* [sic] *iti sarvatraitad anuṣaktaṃ vedītavyam*. *Kṛte avasārayet* [Guṇ-VinSū 3,2] *iti praṇidhi-karmaṇi kṛte aho vata saṃgho 'sya avasārayet* [sic] *iti*. *Parivāsa-mūlaparivāsa-mānāpya-mūlamānāpya-āvarhaṇārthini niśraye aho vata* [misprinted *vrata*] *saṃgho* [sic] *asya parivāsādicatuṣkaṃ dadyāt* [≠ Guṇ-VinSū 3,2–4], *āvarhaṇārthini aho vata āvr̥het* [sic; ≠ Guṇ-VinSū 3,4] *iti*. Cf. Banerjee, SarvLit 144–147, 145 n. 1.

specific Thv(M) innovation (see also Guṇ-VinSū(Pravṛ) 13,24–25, quoted above, end of n. 53).

6c. The leniency of the chapter towards troublesome monks seems to depend chiefly on its choice between the penalties of *tajjanīya*, *nissaya*, *pabbājanīya*, on the one hand, and that of *ukkhepanīya* on the other: the restrictions on one's rights imposed by the latter are more severe (see below, § 8a–b).

How the chapter's choice from the whole set of alternative procedures works is exemplified at Sp 1159,2–4, 15–17 (Sp-ṭ III 368,15–17), and may well apply to the interpretation of the 53rd Thv(M) [bhī] Pāc. In the *nidāna* of the latter, whose subject is abusing (*akkosati*, *paribhāsati*) the chapter, a nun is described as *bhaṇḍana-kārikā*, etc. (as above, n. 18; cf. n. 53). If the implication (at Vin I 145,16–18) that the penalties dealt with here also apply to nuns has some practical application, such a nun is, *stricto sensu*, liable to a procedure of blame (*tajjanīya-kamma*) but is said instead to have been sentenced to suspension for refusing to see her offence (*āpattiya adassane ukkhepanīya-kamma*) (Vin IV 309,26–28, 32, 310,10).<sup>61</sup>

In its commentary on the section of the *Kamma-kkhandhaka* in the Cullavagga that deals with the *ukkhepanīya-kamma* for refusing to see one's offence (Vin II 21,6–24,33), Sp 1159,2–4 states: “[The prescription that this kind of suspension may apply to] a quarrelsome monk and so on, means that after he has been charged, on the grounds of [raising] quarrels and so on, with an offence, the [*ukkhepanīya*] procedure which applies is for the very refusal to see

<sup>61</sup>The first part of this *nidāna* is identical with that of the 4th Thv(M) [bhī] Saṃgh. (Vin IV 309,24–310,13 = 230,27–231,18), which deals with the invalid restoration (*osāraṇā*; see below, end of § 8b, and n. 100; cf. below, SVTT V, § 6b) of a nun who was suspended for the same offence (for Chinese and Tibetan parallels, cf. BhīPr 79f., 119).

this [offence]”.<sup>62</sup> As for *ukkhepanīya* for refusing to give up one's wrong opinions, Sp 1159,15–17 states: “The [*ukkhepanīya*] procedure which applies is for the very refusal to give up an opinion advocated in order to raise quarrels, etc.”<sup>63</sup> Sp-ṭ III 368,15–17 (*ad* Sp 1159,3–4) explains how the reverse applies, *i.e.*, how a monk who refuses to see or redress his offence may be sentenced to a *tajjanīya* procedure : “As for the procedures of blame and so on, they are to be carried out when [a monk] refuses to see/redress the offence he has been charged with, by taking into account the quarrelsome-factor and so on.”<sup>64</sup>

7a. According to the Cullavagga, the restrictions to be observed for *pabbājanīya* (the same as apply to *tajjanīya*) include the further provision that the sentenced monk(s) is (are) requested to leave the place.<sup>65</sup> As noted by Dutt, EBM 145, and v.Hi., “Buddhist Law” 21 and n. 40, this implies the sanction and assistance of lay authorities; the somewhat

<sup>62</sup>*Bhaṇḍana-kārako* ‘ti ādisu [Vin II 22,9, to be filled in, *mutatis mutandis*, with *ib.* 4,18–5,3] *bhaṇḍanādi-paccayā āpannam āpattim āropetvā tassā adassane yeva kammaṃ kātabbam*.

<sup>63</sup>*Bhaṇḍana-kārako* ti ādisu *yam diṭṭhiṃ nissāya bhaṇḍanādinī karoti, tassā appaṭinissagge yeva kammaṃ kātabbam*.

<sup>64</sup>*Tajjanīyādi-kammaṃ pana āpattim āropetvā tassā adassane appaṭikamme vā bhaṇḍana-kārakādi aṅgehi kātabbam*.

<sup>65</sup>Vin II 5,5–15 ≠ 8,20–23 ≠ 14,7–9 ; 6,26–7,15 ≠ 9,6–27 ≠ 15,6–27. Sp 624,18–31 states that the sentenced monk should leave both his residence (*vihāra*) and all surrounding villages or towns, whatever their size, unlike Upatissa, who would restrict banishment to a few houses if the neighbouring town and its streets are very large; this is, Sp states, just wishful thinking (*manoratha-matta*). As for the cancellation of this penalty, according to Sp 625,9–16, nothing should be accepted from donors even after it has become effective, except if the latter make gifts explicitly on account of morality (625,14–16 is not clear to me). Contrary to what might be expected logically, banishment is not listed among the threefold post-canonical “expulsions” (*nāsanā*).



stealthy way, as described at Sp 625,1–7,<sup>66</sup> of carrying out the procedure itself so as not to invalidate it by breaking the rules about boundaries (*sīmā*), also points to the difficulty of enforcing such a decision.

7b. Now, as stressed by Oldenberg, the narrative in the Cullavagga of the framing of the rule and its description of the procedure also occur *verbatim* in the *nidāna* of the 13th Thv(M) [bhu] Saṃgh., and an explicit reference to the *pabbājanīya* procedure is to be found in the canonical commentary.<sup>67</sup> The Cullavagga and *vibhaṅga* accounts as we have them now branch off as follows: the monks who have been subjected to a *pabbājanīya-kamma* accuse the (chapter of) monks of partiality, then go away, or return to lay life;<sup>68</sup> the Buddha then states that (Cullavagga) the penalty should not be revoked;<sup>69</sup> (*vibhaṅga*) monks who object to the

<sup>66</sup>Sp is not clear about exactly how an overlap (*ajjhottharati*) of boundaries (that of the guilty monks' place of residence and that of the incoming chapter who will perform the *pabbājanīya* procedure) is to be avoided (see Vin I 111,13–20; KP, *Sīmā* 88–92, 355–58). Neither does it give details about which kind of boundary was in force under the former monks; according to the *sikkhāpada* of the 13th Saṃgh. (Vin III 184,9–10\*\* *gāmaṃ vā nigamaṃ vā upanissaya viharati*), it might have been, accordingly, a *gāma*-° or a *nigama-sīmā*, that is, an “unfixed” (*a-sammata*, *a-baddha*) one (see Vin I 110,36–11,1; KP, *Sīmā* 82–83 and n. 138, 189–90; KP, “Nāgas and Sīmās”, § 3).

<sup>67</sup>Vin II 9,29–13,22, 14,11–30 ≠ III 179,30–84,7; Vin III 185,30–31' *ayaṃ ithannāmo bhikkhu saṃghena pabbājanīyakamma-kato*. See Oldenberg, Vin I XVII–XIX, XXIII n. 1. Conversely, the Skt Mū parallel to the Cullavagga refers explicitly to the relevant Saṃgh. rule (MSV(D) III 18,18–19).

<sup>68</sup>*Pakkamanti pi vibbhamanti pi* (Vin II 14,24–25 = III 183,35); Sp 625,28–30: *pakkamantīti ... ekacce disā pakkamanti* [in which case the injunction to leave is respected — but out of rebellion, not submission to it]. *Vibbhamantīti ekacce gihī honti*.

<sup>69</sup>Vin II 14,11–36 (the statement to the contrary in DPPN [I 226] is puzzling). This means that the eighteenfold penalty remains in force

procedure<sup>70</sup> by accusing those who carried it out of partiality incur a Saṃgh. after a threefold informal, then formal admonition to stop doing so.

These two accounts are to be considered as a later insertion (the Cullavagga's being the latest); the Pātimokkha rule itself<sup>71</sup> just states that an ill-famed monk who refuses to leave after a threefold informal admonition to do so (arguing that those who admonish him do so out of partiality) incurs a Saṃgh.<sup>72</sup> It has been suggested<sup>73</sup> that the earlier subject of this Pātimokkha rule was the corruption of lay people's minds (*kula-dūsana*), which entailed a Saṃgh. offence after three informal, then formal admonitions (*yāva-tatiyaṃ samanubhāsana*) to stop doing so, whereby the guilty monk became liable to *mānatta/parivāsa*; after the *pabbājanīya* procedure was included in the *vibhaṅga* itself, the purpose of the Pātimokkha rule shifted from *kula-dūsana* (now dealt with by this very procedure) to objection to this same procedure by the sentenced monk, by means of words of abuse, and accusations of partiality against the chapter who carried

even if the sentenced monk returns to lay life (for a similar case with *parivāsa/mānatta*, see SVTT III 129–30, § 4).

<sup>70</sup>Vin III 183,27–84,32; 185,17–18' *so bhikkhū ti so kammakato bhikkhu* (cf. 185,30–33; 185,35 is to be filled in, *mutatis mutandis*, with the help of 173,36–74,8); see Kkh 47,31–48,4; cf. Vin V 7,9–11, Vin-vn 438, and below, n. 75.

<sup>71</sup>From which a descriptive stock phrase is extracted by the Cullavagga (see above, n. 20). The technical term *pabbājanīya-kamma* does not occur in this *sikkhāpada*, although the verb *pabbājenti* does (Vin III 184,20\*\*).

<sup>72</sup>Thv(M) Saṃgh n° 13 [bhu], Vin III 184,9–32\*\* with Kkh 47,26–48,9, Sp 613,25–29,16 (the proceedings are discussed at 624,7–25,30, 629,9–16); n° 17 [bhī]. – Cf. UpāliPr(SR) 48, n° 12. – Fragment from an unidentified school: SHT(III) 250 (988). – Conc.: BhīPr 54, table II.2 s.v. *kuladūsakaḥ*.

<sup>73</sup>Nolot, “Règles” 432–38 (English summary: 541–42).

it out.<sup>74</sup> In all known *Bhikṣuṇī-Prātimokṣas* (except in the Mā. and Mā(-L) traditions),<sup>75</sup> the strict parallel to the 13th Thv(M) [bhu] Saṃgh. remained in force, but branched off into a still later, specific Saṃgh. rule, dealing with the case of a nun who accuses the chapter of partiality (in the very same terms as those of the 13th Thv(M) [bhu] Saṃgh. and its parallels) while objecting either to the decision reached after a formal dispute (*adhikaraṇa*) or to a disciplinary procedure (either a *pabbājanīya*-° or an *ukkhepanīya-kamma*) that was carried out against her.<sup>76</sup> There is no such Pātim rule for monks; neither do Kkh or Sp connect the nuns' rule with the 13th [bhu] Saṃgh. But Vjb (B<sup>c</sup> 1960) 362,11–16 does, and tries to explain away this redundant rule by sticking to its literal application: to consider the 8th [bhī] Saṃgh. as a useless duplication of the 13th [bhu] Saṃgh. (on the grounds that their purpose (dissuading the monk/nun from abusing the chapter and accusing it of partiality)<sup>77</sup> is identical) would be wrong, because both the *nidāna*'s account of the matter, and the procedure objected to by the nun,<sup>78</sup> are different.

<sup>74</sup>Traces of such a reinterpretation can be found in the Skt Sa. and Tib. Mū. *śikṣāpadas* of this Saṃgh. rule, whose wording is therefore later than the Pāli Thv(M) version: *niḥsṛjatv āyuṣmāṃ cchandagāmi-vacanāṃ dveṣagāmi-bhayagāmi-mohagāmi-vacanāṃ*; ... *na cet pratiniḥsṛjet saṃghāvaśeṣaḥ* (VinVibh(R) 75, lines 13–17; cf. PrMoSū 115 [BFd, v° 6] with *ib.* 132 [BLi, r° 3–5]); *niḥsṛjata imāṃ evaṃrūpāṃ kathāṃ ... na cet pratiniḥsṛjeyuḥ saṃghāvaśeṣaḥ* (PrMoSū(Mū)<sub>2</sub> 20,21–21,2 [reconstructed from Tib. ; “Skt Mū.” in Nolot, “Règles” 432–38, should be corrected accordingly]).

<sup>75</sup>See conc. in BhīPr 54, table II.2 s.v. *kuladūṣakaḥ*.

<sup>76</sup>Thv(M) Saṃgh. n° 8 [bhī], Vin IV 237,31–39,3 with Kkh 165,17–21, Sp 914,29–152. – Conc.: BhīPr 54, table II.2 s.v. *kismiñci*.

<sup>77</sup>Vjb 362,12–13 quotes Kkh 48,1–2 (with *eva* for *evaṃ*) *tassa vacanassa paṭinissaggāya evaṃ vacanīyo, na kuladūṣana-nivāraṇatthāya*.

<sup>78</sup>Conveniently alluded to only vaguely by Vin IV 237,33 *kismiñcid eva adhikaraṇe*.

8a. Suspension (*ukkhepanīya*) entails forty-three restrictions,<sup>79</sup> some of which are identical with those of *tajjanīya*<sup>80</sup>: a suspended monk should not grant ordination, give guidance to newly ordained monks, be waited upon by novices, be appointed as exhorter of nuns or exhort them if appointed before he became liable to any of the three procedures of suspension, commit again the same, or a similar, or a graver offence, criticize either the procedure he was subjected to or those who carried it out.

Some other restrictions also apply in the case of *parivāsa/mānatta*<sup>81</sup>: a suspended monk should refuse outward marks of respect and assistance from regular monks; he should not stay under the same roof as the latter, and should rise from his seat when meeting any of them.

Still others apply also to both *tajjanīya* and *parivāsa/mānatta*:<sup>82</sup> he may not suspend the participation of a regular monk in the ceremonies of *uposatha* or *pavāraṇā*; he should neither issue commands, nor exercise authority, nor urge a monk to acknowledge his offence,<sup>83</sup> nor quarrel with other monks.

Lastly, a monk against whom any type of suspension was carried out is subject to a further set of specific restrictions<sup>84</sup>: he should not accuse a regular monk of straying from morality, right behaviour, right opinions, or right means of livelihood (cf. above, n. 27); he should not cause splits between monks; he should dress neither like a layman nor

<sup>79</sup>Vin II 22,12–23,2 ≠ 23,25–24,27 ≠ 25,1–9 (truncated E<sup>c</sup>). As for Vin II 27,19–23, see below, end of this paragraph.

<sup>80</sup>Vin II 22,12–20, 12,34–13,2 ≠ 5,5–15; cf. above, § 5a.

<sup>81</sup>Vin II 22,20–23, 29–32 ≠ 31,5–9, 21–23; cf. SVTT III 119–22, § 1a.

<sup>82</sup>Vin II 22,34–23,2 ≠ 5,12–15 ≠ 32,7–11.

<sup>83</sup>This is normally a duty (see Freiburger, Br-Strafe 486–87, with further references; cf. below, SVTT X, § 2a and n. 10).

<sup>84</sup>Vin II 22,23–29, 33–34; Sp 1155,23–56,12, 1159,1–14.

like a non-Buddhist ascetic, nor follow the latter kind of ascetics, but should follow the monks and train accordingly; he should not rebuke regular monks.

As for the third kind of suspension, it entails, according to the PTS edition of the Cullavagga,<sup>85</sup> the same eighteen restrictions as apply to *tajjanīya* (see above, § 5a). B<sup>e</sup> (1972) 75,6, 19 however reads *tecattālīsa-vattaṃ*, and accordingly lists<sup>86</sup> the same forty-three duties as apply to the first two kinds of suspension; this number also occurs at Vin V 212,37\*<sup>87</sup> ≠ Utt-vn 93ob, and in Sp.<sup>88</sup> The latter readings are supported both by the provisions said by canonical and other Thv(M) texts to apply to monks who were suspended on any of the three grounds,<sup>89</sup> and by the Skt Mū parallel (refs. as above, end of n. 33).

8b. In any case, the verdict of suspension is to be made known in all surrounding monastic residences, in the following terms: “The monk So-and-So has been subjected to a procedure of suspension for refusing to see his offence (*or* to redress it, *or* to give up a wrong opinion), involving

<sup>85</sup>Vin II 27,19–21 (truncated E<sup>e</sup>, referring to 5,5–15); 27,23 reads explicitly *aṭṭhārasa-vattaṃ*; no vv.ll. are recorded at Vin II 310; no corrections are mentioned at Vin II 363–64, V 259–60.

<sup>86</sup>B<sup>e</sup> 75,7–17, referring by *pa* to 63,21–64,2 = E<sup>e</sup> Vin II 22,20–34.

<sup>87</sup>*Ukkhittakā tayo vuttā, tecattālīsa sammāvattanā* (cf. Sp 1387,25–26).

<sup>88</sup>Sp 913,30–31 (*ad* Vin IV 232,21) *vatte vattantin ti tecattālīsappabhede netthāravatte vattamānaṃ*. Sp 1159,18–19 strongly states: *sammāvattanāyaṃ pi hi idha tecattālīsa yeva vattāni*, “indeed, as for proper behaviour, forty-three duties do apply here also”; C<sup>e</sup> (SHB 1948) 859,28–29 *idem*, with insignificant v.ll. Sp 1373,19–20 *tividdhassa ca ukkhepanīya-kammasa teccatālīsa-vidhaṃ vattaṃ*; C<sup>e</sup> (SHB 1948) 1019,29–30 *idem*.

<sup>89</sup>See below, § 8b (Husken, “Vorschriften” 86, end of n. 105, should be corrected accordingly).

exclusion of his participation in dealings with the community.”<sup>90</sup>

The implications of this verdict are detailed in canonical Thv(M) texts other than the *Kamma-kkhandhaka* of the Cullavagga: unlike a monk undergoing any of the other penalties dealt with here, a suspended monk is deprived of participation (*sambhoga*) in the distribution of material things (*āmisā*) and in the exposition of doctrine (*dhamma*),<sup>91</sup> and considered as “belonging elsewhere” (*nānā-saṃvāsaka*) than to the community who motioned suspension (*ukkhepaka*), until the penalty is revoked and his “restoration” (*osāraṇā*) is achieved *ipso facto*.<sup>92</sup> This “companionless”<sup>93</sup> monk is therefore debarred from participation<sup>94</sup> in any procedure (including *uposatha* and *pavāraṇā*) within this community, whose members acting in chapter should all “belong to the same community” (*samāna-saṃvāsaka*).<sup>95</sup>

<sup>90</sup>*Itthan-nāmo bhikkhu āpattiya adassane/āpattiya appaṭikamme/pāpikāya diṭṭhiya appaṭinissagge ukkhepaniya-kammakato a-sambhogam saṃghena* (Vin II 22,4–6 ≠ 27,15–18). The expected sentence is missing at 26,6–7 after *dhārayāmīti*, but is referred to at SBE XVII 381 (first three lines), and does occur at B<sup>e</sup> (1972) 60,1–2: *āvāsa-paramparaṇ ca bhikkhave saṃsatha Channo bhikkhu saṃghena āpattiya appaṭikamme ukkhepanīyakamma-kato asambhogam saṃghenā ti*.

<sup>91</sup>Vin IV 137,30–35’.

<sup>92</sup>Vin IV 218,34’ *a-paṭikāro nāma ukkhitto an-osārito*. See below, SVTT V, § 6b–c.

<sup>93</sup>Vin IV 218,16\*\* *akata-sahāyo*; 219,1–3’ *akata-sahāyo nāma samāna-saṃvāsakā bhikkhū vuccanti sahāyā. So tehi saddhiṃ n’ atthi tena vuccati akata-sahāyo ‘ti*.

<sup>94</sup>This is termed *saṃvāsa-nāsanā*, “expulsion from where one belongs” at Sp 582,23 (see below, SVTT VI, § 1b and n. 8).

<sup>95</sup>Vin I 135,30–35, 168,1–5 (both times with *yathā dhammo kāretabbo*, which refers to the 69th [bhu] Pāc. [cf. next n.]), 320,7–10f., 321,14–16; Kkh 9,14–16 (cf. Kkh 128,2, Sp 582,21–23); see Kieffer-Pülz, *Simā* 63 and n. 103. Sp 1320,28–31 (*ad* Vin V 115,23) clearly states: *ukkhepaniya-kamma-kato ukkhittako nāma. Avasesa-catubbidha-tajjanīyādikamma-*

According to the *vibhaṅga* of the 69th Thv(M) [bhu] Pāc., any monk who deals with, or sleeps under the same roof as, a monk who was suspended for refusing to give up a wrong opinion incurs a Pāc.; so does a nun who deals with a nun who was suspended on the same grounds;<sup>96</sup> but if she sides with a suspended monk (on any of the three grounds), she incurs a Pār., the gravest of offences, entailing immediate, definitive exclusion<sup>97</sup> (as far as can be seen, the eventuality of a monk following a suspended nun is not raised).<sup>98</sup>

One rule, applying specifically to nuns, states that any of them who restores (*osāreyya*) a suspended nun without formally consulting (*an-apaloketvā*; see SVTT I 80–81, § 3a) the chapter who moved suspension and securing the

*kato anukkhittako nāma. Ayañ hi uposathaṃ vā pavāraṇaṃ vā dhamma-paribhogam vā āmisa-paribhogam vā na kopeti.*

This provision should also apply to the annual *kāṭhina* ceremony of receiving and sharing cloth given by laymen, and to the privileges attached to it (see DEBMT s.v.). Although the Mahāvagga's *Kāṭhina-kkhandhaka* (Vin I 253,3–67,10) and its commentary (Sp 1105,32–14,6 [ChinSp 528–31]) are silent on this point, the Skt Mū parallel explicitly excludes the suspended monk from his share and privileges (MSV(D)II 157,17–19 ≠ KC, Kāṭh-v 56,1–3 ≠ Kāṭh-v(M) 205,6–8).

<sup>96</sup>Thv(M) Pāc. n° 69 [bhu], Vin IV 137,2–38,16 with Kkh 127,14–35. Sp 870,20–32; n° 147 [bhī]. – Cf. UpāliPr(SR) 80, n° 58. – Dh fragment: CASF(II) 166, n° 69. – Conc.: BhīPr 58, table IV.1 s.v. *utkṣiptānuvṛttih*. Any monk or nun who sides respectively with a male or female novice who was expelled for holding wrong opinions also incurs a Pāc. (see below, SVTT VI, § 2 c and n. 19).

<sup>97</sup>Thv(M) Pār. n° 3, Vin IV 218,2–20,13 with Kkh 159,1–21, Sp 903,23–904,16 (cf. Vin-vn 1992–16, Utt-vn 176–77). – Conc.: BhīPr 53, table I s.v. *ukkhittānuvattikā*. – See also (Mū) BhīKaVā(S) 267,13–69,2, with Chinese and Tib. Mū parallels in BhīPr 81–83 (in the three Mū versions, the nun is not precisely described as siding with a suspended monk, but as striving to persuade him that he should not submit to the chapter's sentence).

<sup>98</sup> Although Vin II 88,8–14 reports the monk Channa siding with (regular) nuns in a controversy (cf. below, SVTT X n. 14).

latter's consent incurs a Saṃgh., unless the suspended nun does behave properly or the chapter who moved suspension is absent.<sup>99</sup>

8c. As long as no one supports him, a suspended monk may therefore be said to belong nowhere (see below, SVTT VI n. 9). If, however, he manages to gather three or more followers (*ukkhittānuvattaka*), thus reaching the quorum required to create an autonomous Saṃgha, both parties should try to come to terms, so as to avoid a dissension or a split (*saṃgha-rāji*, °-*bheda*).<sup>100</sup> In the meantime, procedures carried out separately by each chapter within the same, common boundary (*sīmā*) are valid, since all members of each party belong to the same community (*samāna-saṃvāsaka*), and remain distinct (*nānā-saṃvāsaka*) from

<sup>99</sup>Thv(M) [bhī] Saṃgh. n° 4, Vin IV 230,27–32,23 with Kkh 163,34–64,11, Sp 913,27–14,2; cf. Vin V 56,15–17 ≠ 84,3–5; Hüsken, “Vorschriften” 83–86. – Conc.: BhīPr 54, table II s.v. *ukkhittam* (cf. above, n. 62). According to the Thv(M) *vibhaṅga* of this rule, a nun who plans to restore a suspended nun, and wants to gather a chapter and fix a boundary (cf. KP, *Sīmā* 132–33) for the purpose, should not do so without the agreement of the chapter who moved suspension (Vin IV 232,8° *osāressamīti gaṇam vā pariyesati sīmam vā sammannati*; cf. Kkh 164,2–3, where *gaṇa-pariyosāṇe* [= C° (SHB 1930) 165,29] should be corrected to °-*pariyesane* [so Vin-vn 2073a]). The very *śikṣāpadas* of the Chinese Dha, Chinese Sa, Chinese Mī, and Chinese and Tib. Mū parallels make it explicitly part of the offence to step out of the *sīmā* for the purpose without having reached agreement to do so (BhīPr 79–83). The Chinese and Tib. Mū versions are corroborated by the reference to this same [bhī] Saṃgh. rule, at Guṇ-VinSū 65,1, by the words *bahiḥ-sīmny avasāraṇe*, and by the provision that a monk who was sentenced to any of the seven penalties dealt with here should apply for restoration within the boundary where the chapter sentenced him (cf. above, n. 33; below, SVTT V n. 31).

<sup>100</sup>See HH, Po-v 223–25; cf. (Mū) Saṅghabh II 272,12–73,2 (taken over from MSV(D) IV 250,4–51,4).

those who belong to the other.<sup>101</sup> If the parties are eventually reconciled, the suspended monk may be restored (*osārita*) by his own followers;<sup>102</sup> a twofold procedure of reconciliation (*saṃgha-sāmaggī*) is then to be carried out for the purpose of putting an official end to any and all dissensions among the monks. An exceptional *uposatha*, with recitation of the Pātim rules, may then take place.<sup>103</sup>

**BHS** *utkṣiptānūvartikā*, f. : BhīVin(Mā-L) 102,5.

**Skt** *utkṣiptānupravṛtti*, f., “following a suspended [monk]” : (Mū) Guṇ-VinSū 53,12.

*utkṣiptānūvartaka*, mfn. : (Mū) BhīKaVā(S) 268,15–16. – *utkṣiptakānūvartaka*, m. : (Mū) MSV(D) II 176,9–10ff., 179,14, 190,18–19ff. (°-*anuvartakānūvartaka* 177,6ff.,

<sup>101</sup>Vin I 337,1–40,38 with Sp II 48,21–50,2 ; see Kieffer-Pülz, *Sīmā* 25 n. 25, 53–54, 121–23. Sp II 48,22–49,10 has a story about how failing to fill the latrine’s water-pot ended in suspension, then creation of two rival communities ; this story occurs also at Dhp-a I 53,16–54,17 ≠ Ja III 486,11–27, which record that the quarrel went so far as to create two factions among the Akaṇiṭṭha deities. A Skt Mū parallel occurs at MSV(D) II 174,5–76,2 (for Tib. Mū, cf. Banerjee, SarvLit 220–21).

Vin I 340,30–33 (with Sp II 49,24–31) ≠ V II 6,34–37 (with Sp I 322,30–35) distinguishes between one who “belongs elsewhere by one’s own will” (*attanā ... nānā-saṃvāsaka*) and one who does so because a procedure of suspension was carried out against him ; this distinction is expressed in Sp by the resp. terms *laddhi-nānāsaṃvāsaka*, “belonging elsewhere due to one’s opinion”, and *kamma-n°* (see KP, *Sīmā* 63–65 ; cf. Vin-vn 3107b–109a). Skt Mū parallel : MSV(D) II 176,3–79,13 (cf. Guṇ-VinSū 99,28 *utkṣiptaṇ ca svakarmaṇi*).

<sup>102</sup>Cf. below, SVTT V n. 31.

<sup>103</sup>Vin I 356,22–58,37 with Sp II 52,24–31 (cf. Kkh 3,29–32) ; see Kieffer-Pülz, *Sīmā* 53–54, 63–64, 121–23. Skt Mū parallel : MSV(D) II 190,13–96,6. – Pj II 196,10–12 *nanu āvuso oṣaṭaṃ vā vatthum yathā-dhammaṃ vinicchitabbam an-osārāpetvā eva vā aññamaññaṃ accayaṃ desāpetvā sāmaggi kātabbā* seems to refer to (illegally) dropping a case of suspension with mutual confession instead, followed by general reconciliation.

190,20f.) ; Saṅghabh II 272,13 f. (= MSV(D) IV 250,5 f.) (°-*anuvartakānūvartaka* ib. 272,14 f. = MSV(D) IV 250,6 f.).

*utkṣiptānūvṛtti*, f. : (Mū) Mvy 8480.

*utkṣepakānūvartaka*, m. : (Mū) MSV(D) II 177,6–7, 178,15, 191,7 f., IV 250,6 f. (= Saṅghabh II 272,14 f.) (°-*anuvartakānūvartaka*, m. : MSV(D) II 177,7, 179,16, 191,8 f. ; MSV(D) IV 250,6–7 f. = Saṅghabh II 272,15 f.).

8d. When suspension occurs during the observance of *parivāsa* or *mānatta* on account of some Saṃgh. offence, the latter penalties are to be resumed after restoration has put an end to suspension (Vin II 61,4–62,4 ; see SVTT III 129–30, § 4). In the reverse case (when a monk commits a Saṃgh. offence during the period of suspension) he may not be charged with concealment of the latter offence, and no procedure connected with its redress may be carried out against him by the chapter who motioned his suspension because, as an *ukkhiṭṭaka*, he does not belong to it anymore ; he is then, presumably, to be restored before he may acknowledge his Saṃgh. offence and apply for *mānatta* (see SVTT III 123, second part of n. 19).

According to Vin I 97,19–98,24, if a suspended monk returns to lay life (*vibbhamati*), then applies for a second ordination, he may be admitted again as a novice, provided he promises to see or redress his offence, or to give up his wrong opinions. Under the same conditions during each stage, he may be ordained again, then restored (*osāretabba*) ; if he now agrees to see his offence, etc., the matter is to be considered as settled ; if he refuses, and if the chapter reaches unanimous agreement about the case, he should be suspended again ; if unanimity is not reached, living in common with him entails no offence.<sup>104</sup>

<sup>104</sup>*Anāpatti sambhoge saṃvāse*, Vin I 97,19–98,25 with Sp 1034,12–17 (see KP, *Sīmā* 133) ; Skt Mū parallel : Lévi, “Mss sanscrits” 34,1–11 ≠



8e. As occurs with *pabbājanīya* (see Oldenberg, Vin I xix and n. 1; above, § 7 b), the case of a monk who refuses to give up wrong opinions is also dealt with in the Pātim (where the technical term *ukkhepanīya-kamma* does not occur), whose provisions contradict those summarized above from texts of the later, *Khandhaka* type. After an identical *nidāna*,<sup>105</sup> the Buddha prescribes carrying out a procedure of suspension (Cullavagga, Vin II 26,30–27,18) and frames the Pātimokkha rule (Vin IV 135,16–30\*\*), which states that a monk who still holds wrong opinions after a threefold, informal admonition to stop doing so, simply incurs a Pāc.,<sup>106</sup> that is, an offence that may be redressed by just

MSV(D) IV 65,19–66,7. – Contrary to what was stated by Oldenberg (followed by Horner [see BD V vi and 39 n. 1 for references]), this does not really contradict the statement that, if a monk who was suspended on account of his wrong opinions returns to lay life, the penalty *should* be revoked (Vin II 27,24–28,7; B<sup>e</sup> (1972) 76,7 *idem*): these provisions most probably mean that, if the sentenced monk does not turn up again, the case is to be dropped altogether; but if he does and applies for a new ordination, the case is to be taken up again right from the beginning.

<sup>105</sup>Vin II 25,10–26,29 = IV 133,32–35,16; about the possible derivation of the latter from early sources, see BD III xv–xvi.

<sup>106</sup>Thv(M) Pāc. n° 68 [bhu], Vin IV 133,32–36,33 with Kkh 126,26–27,12, Sp 869,7–70,19 (869,26–29 occurs unabridged at Ps II 102,19–103,20); n° 146 [bhī]. – Cf. UpāliPr(SR) 80, n° 57. – Dh fragment: CASF(II) 165–66, n° 68. – Conc.: BhīPr 58, table IV.1 s.v. *dr̥ṣṭigatānutsargaḥ*. – This is, in the Thv(M) [bhu] Pātim, the only Pāc. offence established after a threefold admonition (*yāva-tatiyaṃ samanubhāsanā*; cf. below, SVTT X n. 10), from a total of eleven such rules (Vin V 140,16–17 with Sp 1344,31–33; cf. Sp 1412,7–10): [bhu] Saṃgh. n° 10 to 13, [bhī] Saṃgh. n° 7 to 10 (leaving aside the four held in common with monks [(bhu) 10–13]), [bhī] Pār. n° 3, [bhī] Pāc. n° 36. The third [bhī] Pār. is explicitly connected with the *yāva-tatiyaṃ* Saṃgh. by Kkh 159,14 ≠ Sp 904,12–13. The 36th [bhī] Pāc., together with its Chinese Dha parallel, is most probably considered as a *yāva-tatiyaṃ* offence because of its analogy with the 9th Thv(M) [bhī] Saṃgh. (Vin IV 294,6–11\*\* = 239,20–28\*\*); the only other parallels are in Chinese Mā. and BHS BhīVin(Mā-L), which, however, do not make it a *yāva-tatiyaṃ* offence (see BhīPr

confessing it to another, regular monk. Although the *vibhaṅga* turns this admonition into a formal threefold procedure, after which the monk is to be charged with a Pāc. (Vin IV 136,6–25), it mentions no procedure of suspension; neither does the *nidāna*, nor Kkh.<sup>107</sup> This procedure is, however, mentioned in the Chinese Sa. *nidāna*, and in the Mā-L *śikṣāpada*,<sup>108</sup> which are therefore to be considered later than their respective Thv(M) parallels.

<sup>103</sup>, with conc., *ib.* 67, table IV.3.II.B.3 s.v. *samsaṭṭha*; cf. BD III xvi–xvii).

Sp 1330,4–7 (*ad* Vin V 125,22–24) distinguishes the offence dealt with in the 68th Pāc. from suspension: it is committed “before the chapter” (*sammukhā*, i.e., during the procedure of admonition; cf. SVTT II 99–101, § 2a), but redressed without formal procedures, that is, “outside [the chapter]” (*parammukhā*) (the whole is thus implicitly connected with what follows about Saṃgh. offences, whose redress does entail procedures; the same is stated explicitly at Utt-vn 515–18). Sp 1329,1–3 makes the same distinction: the offence of advocating a wrong opinion is committed “because of another’s legal statement” (*kammavācā*, i.e., procedure), but redressed by one’s own statement when one confesses (*desento*) it in front of an individual monk. *Parammukhā* cannot refer to revoking suspension, which must be carried out by the chapter; *desento* refers to the regular redress of Pāc. offences, not to the observance of the prescribed duties (*sammā-vattanā*) required by the procedure of suspension.

<sup>107</sup>Unlike the case of *pabbājanīya*. As for the *vibhaṅga*, Sp 610,18–23 refers indirectly to the procedure of suspension, when arguing that the clause according to which “there is no offence for the first defaulter” (Vin IV 136,33 *anāpatti* [...] *ādikammikassa*) is erroneous, because of the provision of the *Khandhaka* (Vin II 26,34–36) that the monk has first been reprovved, reminded of his offence, and charged with it, but refuses nonetheless to give up a wrong opinion: this is what makes him an offender, whether he be the first one or not. *Ādikammika* accordingly does not appear at Vin-vn 1703, and Vjb (B<sup>e</sup> 1960) states that the *anāpatti ādikammikassa* clause occurs here “because it came into the scribe’s head” (*mukhārūḥena likhitam*; see Ud-a(Tr) II 916 n. 170 [Sp 246,10 shows that *mukhārūḥa* is not always pejorative]).

<sup>108</sup>VinVibh(R) 179; PrMoSū(Mā-L) 23,24–25. As for the Chinese Mā *śikṣāpada*, it is not clear from Pachow, CompSt 150, whether the

It is also mentioned in the *vibhaṅga* of the next Thv(M) [bhu] Pātim rule (Vin IV 137,27' f.), which states that any monk or nun who follows respectively a suspended monk or a suspended nun incurs a Pāc. (references as above, n. 97). It is also referred to in at least one version of the Skt Sa. *śikṣāpada*, and in the Chinese Sa. and Skt Mā-L *śikṣāpadas* of the same rule:<sup>109</sup> here again, these parallels are to be considered as later than the Thv(M) version.

procedure alluded to (“if he does not give up, the Saṃgha should perform a Karma”) is that of threefold admonition or suspension.

<sup>109</sup>PrMoSū 260 (HL, v° 2). – VinVibh(R) 180, BhiPr 93, Pachow, Comp St 151. – PrMoSū(Mā-L) 23,26–27 (here again, it is not clear from Pachow [“Msg. 49”, misprinted for “46”] to which *saṃghakarma* Chinese Mā refers).

V. *Nissāraṇā* (f.)/*nissāraṇīya* (n.),  
*osāraṇā* (f.)/*osāraṇīya* (n.)

1. The literal sense of the two contrasting terms *nissāraṇā* and *osāraṇā* is respectively “sending away, dismissal” and “introduction, invitation to come (back), restoration”.<sup>1</sup> In Vinaya texts, they refer to various procedures whose general object is some kind or other of “dismissal” or “letting in”. When these procedures are themselves each designated by a specific technical term, which is not always the case, *nissāraṇā* and *osāraṇā* then stand as contrasting superordinates including these technical terms as co-hyponyms: *nissāraṇā* includes *daṇḍakamma-nāsanā* (see below, § 3), *patta-nikujjanā* (§ 5) and the terms designating the seven disciplinary procedures (*tajjanīya*°, *nissaya*°, *pabbājanīya*°, *paṭisāraṇīya*°, and threefold *ukkhepanīya-kamma*) studied above in SVTT IV (see below, § 6a). In the same way, *osāraṇā* includes *patta-ukkujjanā* (§ 5), *abbhāna* (only once),<sup>2</sup> and the revocation (*paṭippassaddhi*, not a technical term *stricto sensu*) of any of the seven disciplinary

<sup>1</sup>*Osāreti* < \**ava-sārayati*, “causes to enter” (Kkh 131,34, Sp 1147,23 *pavesanā*, “entering”; cf. BD III 28 n. 4, and below, Skt parallels at the end of § 8c), rather than < \**ut-svārayati*, “propounds, calls” (CPD s.v.). Among the connected entries in CPD, *osāraṇa-kriyā* (Sp 1346,12–13 *ad* Vin V 142,20) is not “the formal act of *osāraṇa*”, but belongs to 1. and means “performance of the exposition of the Pātimokkha”. As will be seen below, apart from Kkh 131,34 and Vin-vn 3006, none of CPD’s references s.v. *osāraṇā* concern “formal restoration ([...] after [...]) practice of penance”.

<sup>2</sup>Sp 630,2–3 *abbhetabbo ... abbhānakamma-vasena osāretabbo ti vuttaṃ hoti*. CPD’s statement, s.v. *osāreti*, that this verb is a “syn. of *abbheti*, *avhāyati*” (my emphasis), is misleading: the latter term applies specifically, and exclusively, to the readmission (*abbhāna*) of a monk or nun after completion of the *parivāsa* and/or *mānatta* penalties (see SVTT III 133–35, § 6). – As for the alleged equivalence of Skt Mū *utsāraṇa* with *āhvayana*, see below, n. 51.

procedures just mentioned. Besides standing as a superordinate, *osāraṇā* also has a narrow technical sense in both the Mahāvagga and the Cullavagga, where it often exclusively designates (as it does in the *vibhaṅga* of several Pātimokkha rules, and in the *sikkhāpada* of the 4th Thv(M) [bhī] Saṃgh.) the revocation of the three types of suspension (*ukkhepanīya-kamma*; see below, § 6b–c).

Whereas *osāraṇīya* is a variant of the superordinate *osāraṇā*, it is not clear whether *nissāraṇīya* stands in the same relation with *nissāraṇā*, or whether it connotes, in a specifically technical sense, physical ejection (see below, §§ 7b, 8a–c); whatever the case, it may be worth pointing out that the terms expressing physical ejection *de facto* are neither *nissāreti*, “dismisses”, nor *pabbājeti*, “banishes”, nor *nāseti*, “expels” (all three of which are *de jure*) but *nikkadḍhati*, “throws out, ejects”,<sup>3</sup> *āvaraṇaṃ karoti*, “shuts

<sup>3</sup>See below, SVTT VI, § 2b and n. 15. Ejecting a fellow monk, or having him ejected, from lodgings that belong to the Order (*saṃghika vihāra*) is a Pāc. offence (Thv(M) Pāc. n° 17 [bhu], Vin IV 44.2–45.31 with Kkh 93.36–94.25, Sp 781.19–82.14; n° 113 [bhī]. – Cf. UpāliPr(SR) 65–66, n° 17. – Conc.: BhīPr 58, table IV.1 s.v. *niṣkaṣaṇaṃ*). According to the *vibhaṅga*, ejecting him, or having him ejected, from his own or one’s own private (*puggalika*) lodgings is respectively a Dukk. offence or no offence. There is no offence, however, in ejecting him or having him ejected, with or without his belongings, if he is unscrupulous (*alajjin*) or is out of his senses or is a quarrelsome monk who causes disputes among the chapter (*bhaṇḍana-kāraṇa kalaha-k° vivāda-k° bhassa-k° saṃghe adhikaraṇa-k°*: cf. above, SVTT IV § 2 and n. 18), or does not behave correctly (*na sammā-vattanta*) as a pupil (Vin IV 45.25–31). Sp 782.5–9 (cf. Kkh 94.18–22) adds that only a quarrelsome monk may be ejected from the monastery entirely (*sakala-saṃghārāmato*), for he might gather followers and split the Order (*so hi pakkaṃ labhivā saṃghaṃ pi bhindeyya*); as for the others, they should only be ejected from their residence (*attano vasana-tthānato*; cf. below, SVTT VII § 2).

Although this rule is also valid between nuns, another rule, applying specifically to nuns, makes it a Pāc. offence to eject a fellow nun from the quarters — provided with a fastening door, given to her by oneself (*upassayaṃ datvā*; Vin IV 292.29§: *upassayo nāma kavāṭa-baddho vuccati*; Kkh 185.9–10: *kavāṭa-baddhaṃ attano puggalikaṃ vihāraṃ*

off” (see below, SVTT VII, §§ 2–3), *paṇāmeti*, “evicts” (see *ib.*, § 4), *nikkhāmeti*, “drives out” (Vin II 237.10), be it lawfully or not.

2. As for canonical Thv(M) Vinaya texts, *nissāraṇā* and *osāraṇā* occur as a contrasting pair only in relatively late ones :

(a) in this order, at Vin I 321.29–22.4 (see below, §§ 4, 6a), in the *Campeyya-kkhandhaka* of the Mahāvagga, which deals at length with the various aspects of the (in)validity of procedures; this passage is alluded to in the *Ekuttaraka* of the Parivāra (Vin V 117.24–27) ;

(b) in the reverse order (*osāraṇā*, *nissāraṇā*), at Vin V 222.22–35, in the *Kammavagga* of the Parivāra; both are systematically combined here, without any explanation, with each of the four types of legal procedure taking them as their object. This passage provides a convenient frame for the study of both terms, together with Sp 1402.16–12.4 ≠ Kkh 131.31–33.35<sup>4</sup> (*ad* Vin IV 152.6\*\* *dhammikānaṃ kammānaṃ*, about valid procedures), where explanations are to be found about which specific procedure *osāraṇā* and *nissāraṇā* are supposed to refer to in each case. Both Kkh and Sp follow (with the inconsistency pointed out below) the order of the Mahāvagga, not that of Vin V 222.22–35 upon which Sp comments; the reason, Sp 1402.19–20 warns us, is that “here, [the Parivāra] says *osāraṇaṃ nissāraṇaṃ* for the sake of fluency; actually, *nissāraṇā* comes first, then *osāraṇā*”. The commentary that follows is consistent with this statement as far as the first, third, and fourth type of legal procedure are

*datvā* [on *kavāṭa*, “door-leaf”, see v.Hi., Sprachentwicklung 17, 25, 331] (Thv(M) Pāc. n° 35, Vin IV 292.4–93.25 with Kkh 185.9–19, Sp 983.12–18. – Conc.: BhīPr 67, table IV.3.II.B.2 s.v. *datvā*). Although the exceptions to this rule are, *mutatis mutandis*, exactly the same as those of the 17th [bhu] Pāc., the rule itself is more stringent: as seen above, a monk who ejects a monk from the former’s private lodgings incurs no offence.

<sup>4</sup>Cf. Vin-vn 2986b, 2992–93a, 3000b, 3006.

concerned: each type is said to apply to both of the consecutive, symmetrical stages (*nissāraṇā*, then *osāraṇā*) of one and the same legal case<sup>5</sup> (see below, §§ 3, 5, 6a). As for the second type of procedure, however, no such symmetry can be observed: its application is illustrated by two completely heterogeneous cases (see below, § 4); here (this time without warning) Sp reverts to the order of the commented text.<sup>6</sup> To avoid further entanglement, Sp's fluctuating order will be followed here.

As far as can be seen, no parallels to the term *nissāraṇā* (as contrasting with *osāraṇā*) can be traced in BHS or Skt Vinaya texts, except in those of the Mū. school (see below, end of § 8 c and n. 51).

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3. When the object of a formal consultation (*apalokanā*; see SVTT I 80–81, § 3a) is *nissāraṇā*, the latter refers, according to Sp and Kkh, to the type of expulsion (*nāsanā*; see below, SVTT VI, §§ 1 [c], 2c), known as *daṇḍa-kamma*, that applies to novices who hold wrong opinions; *osāraṇā* accordingly refers to the restoration of such novices, after they have dropped their wrong views and asked the chapter for forgiveness.<sup>7</sup>

<sup>5</sup>Sp 1402,20–403,13 (cf. Kkh 131,33–34) (in complete contradiction with the above statement, this section is, unlike the following ones, concluded in Sp by a purely stylistic sentence: *evaṃ apalokana-kammaṃ osāraṇāṇ ca nissāraṇāṇ ca gacchati* [C<sup>e</sup> 1046,4 *idem*]; the only variant recorded in E<sup>e</sup> carefully omits *nissāraṇāṇ ca*), 1411,21–24 (cf. Kkh 133,17–20), 1412,2–4 (≠ Kkh 133,36–38).

<sup>6</sup>Sp 1409,25–36 (≠ Kkh 132,21–30); cf. below, § 7a.

<sup>7</sup>Sp 1402,20–403,13 (*ad* Vin V 222,22–23), Kkh 131,31–34, referring indirectly to the 70th Thv(M) [bhu] Pāc. These two procedures are parallel respective to that of *ukkhepanīya*, “suspension” of a monk (either for the same reason or because he refuses to see or redress an offence), and to that by which suspension is cancelled, also called *osāraṇā* in a particular context (see below, § 6b). A monk who holds

4. According to Sp and Kkh, *osāraṇā* as the object of a single motion (*ñatti-kamma*; see SVTT I 81–82, § 3 b) refers to the physical introduction, by a monk, of a candidate to ordination before the chapter<sup>8</sup>. At Vin I 322,5–32,<sup>9</sup> however, *osāraṇā* applies metonymically to the validity of ordination,<sup>10</sup> in a discussion of the cases when a candidate who should not, from the very beginning, have been “made to enter” the monastic fold, is by no means (*e.g.*, when a parricide or an hermaphrodite), or is nonetheless (*e.g.*, when crippled or sick), to be considered as “duly made to enter” the Saṃgha (*sosārita*, as opposed to *dosārita*), that is, legally ordained.<sup>11</sup>

As the object of the same type of procedure, *nissāraṇā* is made to refer by Sp and Kkh to the exclusion of an unskilled monk from the deliberations of a committee (*ubbāhikā*).<sup>12</sup>

5. As objects of twofold procedures (*ñattidutiya-kamma*; see SVTT I 83–84, § 3c), *nissāraṇā* and *osāraṇā* refer respectively, according to Sp and Kkh, to the decision to refuse the gifts of an offending lay donor by “turning the monastic bowls upside down” (*patta-nikujjanā*), and to the

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wrong opinions is indeed said to be liable to some kind of unspecified expulsion (*nāsessanti*) at A II 240,17 (cf. Mp III 216,3).

<sup>8</sup>Sp 1409,30–36 (quoting the *ñatti-kamma* set forth at Vin I 94,37–95,2) *ad* Vin V 222,26 (Vin V 222,26–29 is referred to at Sp 1338,28–30); Kkh 132,21–24. BD III 28 n. 4 (cf. *ib.* xxxvii), IV 461, VI 180 “restoration” is erroneous in this context (cf. also Hüsken, “Vorschriften” 83–84, n.92).

<sup>9</sup>With Sp 1147,23–30; cf. Vin-vn 2542–43. Vin I 322,5–7 ≠ V 117,26–28.

<sup>10</sup>The entire proceedings of which entail not only *ñatti-kammās*, but also other types of procedures, including fourfold ones.

<sup>11</sup>Vin I 322,5–6 is quoted at Sp 1031,20–22 (*ad* Vin I 91,15), in a discussion about the obstacles to ordination. When the latter is not valid (in any case), the monk should be expelled altogether (*nāsetabba*, Vin I 86,8 f.; see below, SVTT VI, § 3).

<sup>12</sup>Vin II 96,35–97,2, quoted with minor variants at Kkh 132,25–29, Sp 1409,30–35 (see SVTT II 102–106, § 2.b.ii).

revocation of this decision (*p°-ukkujjanā*) after the donor has apologized.<sup>13</sup>

6a. As objects of fourfold procedures (*ñatticatuttha-kamma*; see SVTT I 84–85, § 3 d), *nissāraṇā* and *osāraṇā* are connected by Sp and Kkh<sup>14</sup> respectively with the seven disciplinary procedures of blame (*tajjanīya-kamma*), etc., and with their revocation,<sup>15</sup> studied above in SVTT IV.

*Nissāraṇā* occurs in the same connection at Vin I 321,29–22,4,<sup>16</sup> which discusses the cases when a monk who is not liable to any of the seven procedures that involve dismissal may nonetheless (when guilty of an offence, and sentenced to such a procedure because the chapter chose to do so),<sup>17</sup> or may not (when he has committed no offence), be considered as legally dismissed.

6b. In Thv(M) canonical Vinaya texts, *osāreti*, *osāraṇā*, are, however, most often used in a narrow technical sense, to

<sup>13</sup>Sp 1411,21–24 *ad* Vin V 222,30–31; Kkh 133,17–21 (see below, SVTT IX).

<sup>14</sup>Sp 1412,2–4 *ad* Vin V 222,34–35; Kkh 133,36–38; *cf.* Sp 1154,19–22 *ad* Vin I 359,29–32\*. According to Ap-a 283,12, *osāraṇā* occurs in the same sense at Ap 43,6.

<sup>15</sup>At Kkh 155,4–11 ≠ Sv 1042,20–25, *osāraṇā* refers to the cancellation of the verdict of obstinate wrongness (*tassa-pāpiyyasikā*), which is closely connected with the procedure of blame (see below, *TPāp*); the term is contrasted *ib.* with *nāsanā*, the “expulsion” that applies if the monk sentenced according to such a verdict does not behave properly. At Sp 1199,10, however, the revocation of this verdict is simply termed *paṭippassaddhi*, “cancellation”, as contrasting with *nāsitaka* (the latter term is applied to a similarly obstinate monk at Sp 592,1). – *Cf.* A IV 169,10 *ff.* (with Mp IV 74,11–21) [*bhikkhū*] *taṃ enaṃ* [*bhikkhū*] *iti viditvā bahiddhā nāsentī* (same context).

<sup>16</sup>With Sp 1147,7–22, according to which the procedure referred to is that of banishing the monk from his place of residence (*pabbājanīya-kamma*; see above, SVTT IV, § 7a–b); Vin I 321,29–31 ≠ V 117,24–26.

<sup>17</sup>See above, SVTT IV, § 6b and n. 53.

denote the revocation of only three among these seven procedures: the three types of suspension (*ukkhepanīya-kamma*),<sup>18</sup> the end of which is marked by the “restoration” (*osāraṇā*) of the sentenced monk or nun.

*Osāraṇā* and related forms do not occur in the *Kamma-kkhandhaka* of the Cullavagga, where these procedures are dealt with systematically: their cancellation is said there to be, *mutatis mutandis*, identical in all cases, and bears no technical name *stricto sensu*, being still simply termed “revocation” (*paṭippassaddhi*).<sup>19</sup> According to the same *Khandhaka*, the only (but significant) difference between suspension and the other procedures is that the former entails the most drastic restrictions on the sentenced monk’s rights.<sup>20</sup> Their severity reflects the gravity of the cases entailing suspension: refusing to see or to redress one’s offence goes against one of the most important principles of monastic life;<sup>21</sup> advocating wrong opinions may lead to conflicts and to the creation of factions.

The latter consequence is precisely the one addressed by the *Kosambaka-kkhandhaka* of the Mahāvagga, where *osāraṇā* contrasts with *ukkhepanīya* (and related forms). This chapter deals at length with the danger of a definitive split in the community resulting from the creation of a separate Saṃgha by a suspended monk who manages to win over other monks to his side<sup>22</sup> until the factions are

<sup>18</sup>See above, SVTT IV n. 36, and § 8a–e with notes.

<sup>19</sup>Unlike the Skt Mū parallel, which consistently has *osāraṇā* (see above, SVTT IV, § 3d, 3g, with nn. 33 and 36).

<sup>20</sup>See above, SVTT IV, § 8a.

<sup>21</sup>*Cf.* SVTT III 117–18, n. 7.

<sup>22</sup>See Vin I 338,27–28 (with Sp 1149,11–17), 341,13–19 (with Sp 1150,2–13). Vin I 97,31–34 ≠ 98,7–10 ≠ 98,22–25, further testifies to the dangerous possibility of divisions among the chapter: it deals with the case of an isolated, suspended monk who first returns to lay life, then comes back for a second ordination (*cf.* Hüsken, “Vorschriften”, 84 n. 93); the text



eventually reconciled and the two Saṃghas are united again. The particular problems raised by such a situation (especially those concerning the validity of separate proceedings carried out inside separate boundaries [*sīmā*]) called for the accurate formulation of specific, detailed prescriptions,<sup>23</sup> and the need was perhaps felt to refer to the eventual revocation of suspension by a more specific term than the one used throughout in the *Kamma-kkhandhaka* of the Cullavagga, *paṭippassaddhi*: the latter could not express the will to “invite back, reinstate” a monk who had endangered the Saṃgha’s unity, unlike *osāraṇā*, which perhaps acquired for such reasons, in this context, a narrow technical sense.<sup>24</sup>

6c. The (relatively late) occurrences of suspension and restoration in the Pātimokkha and its canonical commentary point to the same concerns: *ukkhepanīya* and *osāraṇā* (and related forms) are contrasted in the *padabhājanīya* of the 69th Thv(M) [bhu] Pāc.:<sup>25</sup> *akaṭānudhammo nāma ukkhitto anosārīto*,<sup>26</sup> “one who does not behave according to the rule is one who is suspended, who is not restored”; and further down, in the casuistic commentary (Vin IV 138,1–14). This

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states that if he still refuses to behave properly, he should not be suspended again *if the chapter does not reach unanimous agreement* about doing so (see above, SVTT IV, end of § 8d).

<sup>23</sup>See above, SVTT IV, § 8c.

<sup>24</sup>As for the *Khandhakas*, the other occurrences of *osāraṇā* together with the contrasting *ukkhepanīya* (or related forms) are at Vin I 97,19–98,24 (see above, n. 22), and in the *Samuccaya-kkhandhaka* of the Cullavagga, which deals with the case when suspension occurs during the observance of *parivāsa* (Vin II 61,4–62,4; see above, SVTT IV, § 8d).

<sup>25</sup>Which makes it an offence to side with a monk who advocates wrong opinions (*sikkhāpada*) or who was suspended for the same motive (*padabhājanīya* and *vibhaṅga*) (see above, SVTT IV, § 8b–c and n. 97 for references).

<sup>26</sup>Vin IV 137,27, with Kkh 127,14–19 ≠ Sp 870,20–26; on *akaṭānudhammo*, see BD III 27 n. 3.

Pātimokkha rule, which also applies between nuns, was then *quasi* duplicated in the 3rd Thv(M) [bhī] Pār.<sup>27</sup> (Vin IV 218,2 ff.), where the pp. *ukkhitṭa* occurs throughout the text (including the *sikkhāpada*), together with *ap(p)atīkāro* (“one who does not make amends”, synonymous with *akaṭānudhammo*), and an identical gloss.<sup>28</sup> Lastly, the two terms occur throughout the Thv(M) 4th [bhī] Saṃgh., the only canonical text of this school that gives (scanty) details about the conditions governing the procedure of restoration, especially as concerns fixing the boundary (*sīmā*) inside which the procedure is to take place<sup>29</sup>. It is, however, not clear at all whether these details may be applied *ex silentio* to a monk’s restoration;<sup>30</sup> unfortunately, neither the *Kamma*-nor the *Kosambaka-kkhandhaka* gives any such details about the restoration of a monk (whether isolated or with a group of followers).<sup>31</sup>

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<sup>27</sup>Which states that a nun who sides with a suspended monk incurs definitive exclusion from the community (see above, SVTT IV, § 8b and n. 98 for references; cf. BhīPr 93).

<sup>28</sup>*Apāṭikāro nāma ukkhitto anosārīto* (Vin IV 218,34’ with Kkh 159,1–7, Sp 903,23–29). The alternance of *akaṭānudhammo* (69th [bhu] Pāc.) with *ap(p)atīkāra* (3rd [bhī] Pār.) also occurs, with a passive variant of the latter term, in Mā-L parallels: PrMoSū(Mā-L) 23,27 *akṛtānudharma* / BhīVin(Mā-L) 97,12 ff. *apratikṛta*. Sa and Mū rules applying to monks also have *akṛtānudharma* (PrMoSū 89 [BA o, r° 1, with °ta°: misprint?], 115 [BF c, r°2], 141 [BL cc, r° 1, 183 [BU e, r°5]; PrMoSū (Mū)<sub>2</sub> 38,15).

<sup>29</sup>See above, SVTT IV, end of § 8b and n. 100. This rule is referred to at Vin V 56,15–17 ≠ 84,3–5 with Sp 1310,11–12.

<sup>30</sup>This [bhī] Saṃgh. deals with the conditions governing the restoration of an isolated, suspended nun, who did not gather followers; furthermore, the rule is likely, in this case as in all others, to be more stringent than it would be for monks — for whom no such Pātimokkha rule exists.

<sup>31</sup>For the first case, see Vin II 24,29–33, 25,5–7, 28,12–17; for the second, restoration is merely hinted at (Vin I 357,3–4). The respective Skt Mū parallels make a striking distinction between the two cases (cf. HH, Po-v 222–23, 223 n. 1): just as in the *Kamma-kkhandhaka*, the procedure for

7a. Among a number of prescriptions made “for two purposes” by the Buddha, both the *Paññatti-vagga* of the *Parivāra* and the *Atthavasa-vagga* of the *Anguttara-nikāya* list those of *osāraṇīya*, “involving *osāraṇā*”, then *nissāraṇīya*, “involving *nissāraṇā*”<sup>32</sup>. Unlike the case of the almost contiguous passage it comments upon in the previous pages

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restoring an isolated monk is said to be a *fourfold* one, with the added detail that, like those who were sentenced to *tarjanīya*, etc., he should apply for it within the *sīmā* (MSV(D) III 31,16–32,12 [where *pūrvavat* refers to 8,17–10,11]; cf. above, SVTT IV n. 33 and n. 100). In the case of a monk with followers, however, the proceedings are more complex: after the usual, threefold application of the monk himself (MSV(D) II 192,11–18), the chairman is to bring the matter before the chapter by an isolated motion (*muktikā jñapti*, *ib.* 192,19–93,4; cf. SVTT I 82–83, n. 18), after which restoration is to be carried out by a *twofold* procedure (*ib.* 193,5–16; see SVTT I 83–84, § 3c). The text does not state whether this set of procedures is to be carried out within or outside the *sīmā*, by the chapter who motioned suspension or by that of the suspended monk’s followers. According to Vin I 357,4–5, the latter applies; Sp 1152,24–26 adds that the procedure should take place outside the *sīmā*; Vjb 505,7–13 comments: “If the chapter who motioned [suspension] is available, the other chapter should not proceed to restoration. If [the latter] does, these monks, having come to terms with the former chapter, [now] belong to the same community; the restoring monks’ procedure is thus disputable if performed without securing the consent of those who motioned suspension. The followers of the suspended monk therefore proceeded to restoration according to the Bhagavat’s injunction to restore that monk [Vin I 357,3–4]; they did so after they had either stepped out of the boundary, or secured the others’ consent — no doubt one of these [conditions] must apply here” (*vijjamāne hi kāraka-saṃghe itaro saṃgho osārituṃ na labhati. Osārento ce, te bhikkhū kāraka-saṃghena samānaladdhika-bhāvaṃ pattattā tena samāna-saṃvāsakā honti; tato ukkhepakānaṃ chandaṃ aggahetvā osārentānaṃ kammaṃ kuppati. Tasmā tena hi bhikkhave taṃ bhikkhuṃ osārethā ti bhagavato vacanena ukkhittānuvattakā osāresu, udāhu nissīmaṃ gantvā, udāhu itaresaṃ chandaṃ gahetvā osāresuṃ. Nanu etesaṃ aññataren’ ettha bhavitabbaṃ*).

<sup>32</sup>Vin V 223,30–31 = A I 99,13–14 (at A I 99,13, read *osāraṇīyaṃ* with v.l., as indicated by CPD s.v. *o-sāraṇīya*).

(see above, § 2b), Sp here (1413,13–18) neither remarks on nor changes the word order.

Sp 1413,13–15 runs: *osāraṇīyaṃ paññattan ti aṭṭhā-rasasu vā tecattālīsāya vā vattesu vattamānassa osāraṇīyaṃ paññattaṃ*: “[a procedure] entailing restoration was prescribed for a [sentenced monk] who observes either the eighteen or the forty-three restrictions”. The sense of *osāraṇīya* is confirmed by *aṭṭhārasa* and *tecattālīsa*, which refer respectively to the eighteen duties entailed by the first four disciplinary procedures of *tajjanīya*, etc., and to the forty-three entailed by the three types of *ukkhepanīya* (see above, SVTT IV, §§ 5 and 8a); therefore, *osāraṇīya* refers to the cancellation of the same seven disciplinary procedures as *osāraṇā* does (see above, § 6a). This is confirmed by Mp II 165,15–16 *ad* A I 99,13–14: *sammā-vattantassa osāraṇīyaṃ paññattaṃ*, “restoration was prescribed for a [sentenced monk] who behaves correctly”.

7b. As for *nissāraṇīya*, Sp 1413,16–18 states: *nissāraṇīyaṃ paññattan ti bhaṇḍanakārakādayo yena kammena nissāriyanti, taṃ kammaṃ paññattan ti*: “[a procedure] entailing dismissal was prescribed” means that the one by which quarrelsome monks and others are dismissed was prescribed”. The whole, sevenfold group of procedures is again referred to here, by the keyword (*bhaṇḍana-kārakādayo*) for the specific misbehaviour entailing *stricto sensu* the first of them, *tajjanīya-kamma*<sup>33</sup> (see above, SVTT IV, § 2 and n. 18); *nissāraṇīya* therefore refers here to the same seven procedures as *nissāraṇā* does.

But Mp II 165,16 (*ad* A I 99,14) reads, much less clearly, *asammā-vattanādisu nissāraṇīyaṃ paññattaṃ*, “dismissal was prescribed in the case of incorrect behaviour and so on”:

<sup>33</sup>Vmv II 320,6 (*ad* Sp 1413,16) states explicitly: *taṃ kamman ti tajjanīyādi-kammam eva*.

here, *asammā-vattanā-ādi* [abstract noun]<sup>34</sup> either refers to some misbehaviour for which a monk is *then* sentenced to any of the seven disciplinary procedures involving some kind of temporary dismissal (in which case Mp agrees with Sp) or it refers to the non-observance by the culprit of the restrictions *already* imposed on him by one of these procedures.<sup>35</sup> In the latter case, instead of the restoration (*osāraṇīya*) that would normally have followed, dismissal (*nissāraṇīya*) would apply in a more severe form than the boycott imposed by the former restrictions. Although this hypothesis accounts for the word order (*osāraṇīya* first, a point on which neither Mp nor Sp comments), we have no clue as to what the practical implications of such a dismissal might be.<sup>36</sup>

8a. Now, as is well known, *nissāraṇīya* also occurs in the Pātimokkha, in each and every *sikkhāpada* of the Thv(M) [bhī] Saṃgh.; and indeed BD VI 366 n. 10 (*ad* Vin V 223,<sup>31</sup> *nissāraṇīyaṃ paññattam*), while referring to Sp 1413,16–18, does connect the term with these Pātimokkha rules.

<sup>34</sup>In surprising contrast with the present participle *sammā-vattanta* in Mp's contiguous gloss on *osāraṇīyaṃ* (see above); the suspicion that E<sup>c</sup> *asammā-vattanādisu* (no v.l.) might be a misprint for °*vattantādisu* is not confirmed by C<sup>e</sup> (SHB) 1923 (same reading, no v.l. either). Moreover, what °*ādi* refers to here is obscure.

<sup>35</sup>In Vin, (*na*) *sammāvattati* and (*a*)*sammāvattanā* may refer, according to the context, either to the (in)correct behaviour of regular, unsentenced monks and nuns, or to the (non-)observance of penalties by those who have been sentenced.

<sup>36</sup>Juo-hsüeh Shih suggests physical expulsion from the monastery; cf. above, end of § 1 and n. 3. In favour of this hypothesis, it should be noted that *osāraṇā* contrasts with *nāsanā*, “expulsion”, in this very order, in commentarial Vinaya literature about the potential non-observance of the verdict of “obstinate wrongness” (*tassa-pāpiyyasikā*) by a monk who had been sentenced to it; this disciplinary procedure is, moreover, closely connected with those of the sevenfold set, especially with the first one, *tajjanīya* (see below, *TPāp* § B and n. 9).

In the introduction to her translation of the *Bhikkhunī-vibhaṅga* (BD III xxxiv.f.) Horner remarked that neither the stock phrase which recurs constantly at the end of each of these *sikkhāpadas*,<sup>37</sup> nor the *padabhājanīya*,<sup>38</sup> indicates what (or who) is to be “dismissed”, although, according to Sp 908,5–11, *nissāraṇīya* refers here to the sentenced nun.<sup>39</sup> The interpretation of this term is still problematic; several hypotheses will be discussed briefly here, bearing in mind that none of them is supported by explicit evidence.

In a discussion of this phrase, of its BHS parallel,<sup>40</sup> and of Sp's difficult commentary, I argued<sup>41</sup> that the Pāli term does not refer to the nun, but to the offence, which must be “done away with” under the authority of the chapter. Now, in an unpublished, detailed study of *nissāraṇā/nissāraṇīya*,

<sup>37</sup>*Ayaṃ bhikkhunī [...] dhammaṃ āpannā [...] nissāraṇīyaṃ saṃghādisesaṃ* (Vin IV 224,28\*\* ff.), contrasting with the terse *saṃghādiseso* of the [bhu] Saṃgh.'s *sikkhāpadas* (Vin III 112,17–18\*\* ff.). It is, however, worth noting that the reading *saṃghādisesan ti* occurs in the *padabhājanīya* of the first [bhī] Saṃgh. (Vin IV 225,8') in two mss. only; from the second Saṃgh. on, “the mss. read constantly *saṃghādiseso ti*” (Oldenberg, *ib.* 365). This reading may point to a different formulation, rather than to “a mistake caused by the corresponding passage of the *Bhikkhuvibhaṅga*” (*ib.*).

<sup>38</sup>*Nissāraṇīyan ti saṃghamhā nissāriyati*, Vin IV 225,7' ff. (truncated in E<sup>c</sup> from 227,10' on).

<sup>39</sup>Cf. Sp-ṭ III 116,11–13 (*ad* Sp 908,5) *nissāretīti āpannaṃ bhikkhunī-saṃghamhā nissāreti. Hetumhi cāyaṃ kattu-vohāro* [= Kkh-ṭ (not available to me) 455,10, quoted in CPD s.v. *kattu-vohāra*]. *Nissāraṇa-hetu-bhūto hi dhammo nissāraṇīyo hi vutto*; Vmv II 71,6–8 (*ad ib.*) *nissāraṇīyan ti idaṃ kattu-atthe siddhan ti āha nissāretīti. āpannaṃ bhikkhunim saṃghato viyojetī. Viyojana-hetu hotīti attho*.

<sup>40</sup>*Ayaṃ dharmo [...] saṃghātiśeṣo [...] nihsaraṇīyo* (BhīVin(Mā-L) 103,5–7 ≠ 161,30–31), to which should be added the Skt Sa parallels *ayaṃ dharmah [...] saṃghāvaśeṣo nihsaraṇīyaḥ* (BhīPr 85), and [*ayaṃ dharmah [...] saṃghavaśeṣa* [-va- sic ed.] *nihsa ...* (Finot 1913 549, A.3).

<sup>41</sup>Nolot, “Saṃgh” 260–62.

together with Skt and Chinese parallels, Juo-hsüeh Shih has shown that in Vinaya literature, BHS and Skt *nihsaraṇīya* (simple stem) “[offence] to be got rid of”, should be carefully distinguished from the Pāli word *nissāraṇīya* (causative) “to be expelled, removed”; “involving dismissal”. Although this distinction does not invalidate my argument from a grammatical point of view, it should be noted that in Thv(M) texts, *nissāraṇā/ñissāraṇīya* (and their opposites) refer, in all the other contexts where they occur, exclusively to persons, not to objects.<sup>42</sup>

8b. Assuming that such is the case here, the question arises as to whether, at the time when the specific [bhī] Saṃgh. rules of the Thv(M) Pātim were framed,<sup>43</sup> *nissāraṇīya* was, like *nissāraṇā*, simply a superordinate that included (first of all? or also?) the *mānatta* penalty as a co-hyponym, just as it includes the very similar penalties of *tajjanīya*, etc., and any other of the various “dismissals” mentioned above, to whose technical definition proper it

<sup>42</sup>The term for objects which “must be given away” is *nissaggiya*; wrong behaviour or ideas that “should be given up” are *paṭinissaggiya* (cf. Hüsken, “Vorschriften”, 106–107).

<sup>43</sup>BD III xxxiv–xxxv tentatively suggests that the first specific [bhī] Saṃgh. might be earlier than the other rules of the same class that apply specifically to monks; Horner’s main argument is that the *sikkhāpada* of the first [bhī] Saṃgh. (Vin IV 224.27\*\*) omits, unlike the following ones, the word *pi*, “also”, referring to the [bhu] Saṃgh. rules, possibly because the latter were not yet framed. A very cursory check shows, however, that *pi* does occur at Kkh 161.3 (C<sup>e</sup> (SHB 1930) 163.5 *idem*), but not in the mss used by Wijayaratna, *Moniales* 173, for his edition of the Bhikkhunī-Pātimokkha.

adds nothing specific at all.<sup>44</sup> No Vinaya text, as far as we now know, points to any significant difference, on this point, between monks and nuns as regards observance of the *mānatta* penalty incurred by those who committed a Saṃgh. offence<sup>45</sup>. If *nissāraṇā/nissāraṇīya* did include *mānatta*, a

<sup>44</sup>As remarked by Horner, “*nissāraṇīya*, involving being sent away, adds nothing to the [*mānatta*] penalty. It is not something extra to the *saṃghādisesa* penalty incurred by a nun, and hence marks no difference in the penalty imposed on monks and nuns for having committed such an offence. Only the word, as found in each ‘rule’ of the Nuns’ *Saṃghādisesas*, is extra” (BD III xxxvii).

<sup>45</sup>Compare Sp 1184.26–88.12 (summed up at Kkh 50.1–29) with 1171.8–73.2. Sp 1187.9–12 states that if the regular nuns have to go away on some business, one of them should be officially appointed as a companion (*dutiyaikā*) to stay with the nun who is undergoing *mānatta*, so that the latter does not incur the third [bhī] Saṃgh. offence by spending a night, or going out of the monastery, unaccompanied (see the next part of this n.; cf. Hüsken, “Vorschriften”, 107, 441–42; Hüsken, “Stock”, 213). According to Sp 1187.17–18 = Vmv II 219.21–22, official appointment is necessary as a relaxation, agreed by the Order, of the prescription that no one undergoing *mānatta* may stay under the same roof with a regular monk or nun, unless a break in their observance of it is incurred (*sammannitvā dātabbā ti* [Sp 1188.10] *iminā sammatāya saḥavāse pi ratti-cchedo na hotīti dasseti*). A *mānatta-cārinī* nun may also postpone her observance formally, either in front of another nun staying in the same place, or by going to another *vihāra* to find one. Exactly the same particulars apply to a *mānatta-cārin* monk (compare Sp 1172.21–33 with 1187.9–14); the only difference is that the latter may stay alone for some time, or go unaccompanied to another *vihāra* if he can reach it on the same day in his search for a witness to formal postponement of *mānatta* (SVTT III 136 should be completed accordingly). Sp 1187.14–16 goes on to say that, apart from very minor differences, a nun should observe this penalty “just as prescribed in the *Parivāsa-kkhandhaka* [of the Cullavagga]” (*i.e.*, at Vin II 35.25–36.16). Nothing whatsoever points to any kind of technical “dismissal” or “expulsion”, either in canonical Thv(M) Vinaya texts or in Sp (with Vjb 513.25–14.15, Vmv II 219.15–22 [both beginning *ad* Sp 1186.18], Sp-† III 373.6–18 [beginning *ad* Sp 1184.21]).

As for the third [bhī] Saṃgh., the canonical commentary states (Vin IV 230.22–24) that there is no offence if one’s companion nun has gone,

further question arises as to why this inclusion left not traces whatsoever in the texts dealing with *nissāraṇā*, contrary to what the similarity between the penalties of *mānatta* and *tajjanīya*, etc., would lead us to expect. These questions lead to the thorny problems raised by the framing of the Saṃgh. rules as a whole and its historical relation with that of the seven quite similar penalties of *tajjanīya*, etc.<sup>46</sup>

8c. If, however, *nissāraṇīya* is not just a superordinate, redundant in this context, it must refer to some specifications concerning the observance of *mānatta* by nuns. Two hypotheses have been set forth recently about what these specifications might be.

According to the first,<sup>47</sup> *nissāraṇīya* might stress the fact that a Thv(M) nun undergoing *mānatta* must be, just like a monk in the same case, “sent away”, even though this provision contradicts the third [bhī] Saṃgh. rule according to which no nun may ever stay alone; to avoid this contradiction, the appointment of a companion nun was prescribed.<sup>48</sup> If this hypothesis is right, the same appointment

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has left the Order (either to return to lay life or to join a non-Buddhist religious group), is dead, or if there is an emergency (i.e., according to Kkh 163,28, if one’s companion nun has to go somewhere else urgently). In the very detailed particulars given at Sp 911,1–13,25 (summed up at Kkh 162,22–63,32), together with Vjb 358,2–60,15, Vmv II 73,2–19, Sp-ṭ III 117,17–18,23, there is not the slightest allusion to any special “dismissal” clause applying to *mānatta-cāriṇī* nuns.

<sup>46</sup>See Nolot, *Règles*, 432–38, with further references

<sup>47</sup>Hüsken, “Stock” 213; Hüsken, “Vorschriften” 107, 441–42; cf. above, n. 45.

<sup>48</sup>Hüsken, “Stock”, 213–14, contrasts the Thv(M) specifications with the absence of any in BhīVin(Mā-L), where *nihsaraṇīya* refers to the offence. This is so, Hüsken writes, because a Mā-L nun undergoing *mānatva* is not debarred from staying with the others, and there is therefore no need to stress her being “sent away”. This hypothesis implies, however, extending the Mā-L particularity to all traditions (excluding Thv(M) and possibly Dha) which refer *nihsaraṇīya* to the

would be expected to be prescribed in the case of a suspended nun, who is also debarred from staying under the same roof as a regular nun;<sup>49</sup> there is, however, no evidence either for such a prescription or for the extension of the *mānatta* specification to the observance of *ukkhepanīya*.

According to the second hypothesis,<sup>50</sup> *nissāraṇīya* might refer to some technically “extra” dismissal of a nun sentenced to *mānatta*, whatever the practical implications of this “extra”, which might require, according to the chapter’s decision:

- (1) that such a nun be expelled altogether (losing her status) from the Order, just like the one who committed a Pār. offence;
- (2) or that she join another community until re-admitted (by the *abbhāna* procedure specific to the proceedings relating to Saṃgh. offences) into the community whose chapter sentenced her;
- (3) or that she stay in the community where she belongs, but should be more severely isolated from regular nuns than a *mānatta-cārin* monk is from regular monks.

The only evidence we have is not, however, for any such additional dismissal, but for just the contrary: the probation (*parivāsa*) to be observed by monks who concealed a Saṃgh.

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offence (see references in Nolot, Saṃgh.). Besides, contrary to what Hüsken writes *ib.*, *mānatva* can hardly be said to be “dealt with” by the few tautological statements at BhīVin(Mā-L) 63,1–9 (cf. Nolot, *Règles* 405).

<sup>49</sup>See above, SVTT IV, § 8 a.

<sup>50</sup>V.Hi., “Buddhist Law” 37 n. 79; Juo-hsüeh Shih, unpublished study. V.Hi. explicitly connects *nissāraṇīya*, in this context, with the seven disciplinary procedures of *tajjanīya*, etc., including *ukkhepanīya*; since the latter is said by Sp 582,21–23 to be synonymous with *saṃvāsā-nāsanā*, “expulsion from where one belonged”, *nissāraṇīya* would refer to some additional “expulsion” (*nāsanā*; v.Hi.: “revocation”; see below, SVTT VI) of a nun who committed a Saṃgh. offence.



offence does not apply to nuns (see SVTT III 122*f.*, 135–136).

**BHS** *praty-osārayati*, °-*osāreti*, “to invite to come back again”: BhīVin(Mā-L) 100,1', 143,13 (ms. °-*osāreya*)*f.*, 144,9\*\*, 15', 145,16\*\*.

*praty-osāraṇā*, *f.*: BhīVin(Mā-L) 145,5.

**Skt** *ava-sāraṇa*, *n.*: (Mū) Guṇ-VinSū 65,1, 2, 102,2, 6; Guṇ-VinSū(Pravṛ-v) 4,11; Mvy 9306. – *ava-sārayati*: (Mū) Guṇ-VinSū 3,2; Guṇ-VinSū(Pravṛ-v) 14,14*f.* – *avasāryatvaṃ nāśitasya*: Guṇ-VinSū 103,3.

*ut-sārayati*, “to drive away”, and *ut-sāraṇa*, *n.*, contrast with *osāraṇa*, *n.*, at (Mū) MSV(D) II 206,12–19, and are therefore semantically equivalent to Pāli *nissāreti*, *nissāraṇā*.<sup>51</sup>

*osāraṇa*, *n.*: (Mū) BhīKaVā(S) 267,18*ff.*

*osāraṇa-karma*, *n.*: (Mū) MSV(D) II 210,20, 211,2.

*osāraṇā*, *f.*: (Mū) BhīKaVā(S) 267,18, 268,1, 12; MSV(D) II 192,6*f.*, 193,2,6–7, 12 (so read with GBM(FacEd)

X.6,881 [184, v° 6–8]), 194,6, 209,23\*, III 7,16*ff.*, 10,6*ff.*, 13,17*ff.*, 25,14, 31,11, etc.

*osāraṇīyaṃ karma*, *n.*: (Mū) MSV(D) II 193,17, 194,6 (°*ṇīyakarma-kṛta* 193,18, 194,7*f.*).

*osārayati*: (Mū) Adhik-v 104,1*f.*; (Mū) MSV(D) II 115,2, 14, 116,7, 20, 179,12, 13, 192,15*f.*, 193,7*f.*, III 7,18*ff.*

*vosārayitavya* (MSV(D) III 14,5, 26,1) should be read *osār*° (so GBM(FacEd) X.6, 893 [190, v° 5], 899 [193, v° 1]), and BHSD's entry *vosārayati* deleted accordingly.

<sup>51</sup>This passage, with its very terse formulation, seems to parallel Vin I 321,29–22,32. Dutt's equation of *utsāraṇa* with *āhvayana* (MSV(D) II xxii) is doubly wrong in that the latter term is not a synonym of the former, but, as explained above (§ 1 and nn. 1–2), a hyponym included in the superordinate *osāraṇa*, the very contrary of *utsāraṇa*. BHSD *s.v.* *utsāraṇa* is also inaccurate: the “removal” denoted by the term is not that “of religious disabilities from a monk”, but that of the monk himself (from full, regular status).

MSV(D) II 113,13 *usārayanti* (so GBM(FacEd) X.6, 845 [166, v° 1]) should be emended, according to the Corrigenda of the same vol., to *utsārayanti*; *usārayati* is, however, most probably a copyist's mistake (the akṣaras *u* and *o* being very similar) for *osārayati*: the text introduced by this key-word reads consistently *osārayati*, *osārīta*. The term does not refer to any disciplinary procedure but seems to mean “to let [a monk] into” a community that has already settled in a residence for the monsoon, so that he belongs to it for the time being.

VI. *Nāsanā* (n.f.), “expulsion”<sup>1</sup>

I. According to Thv(M) canonical Vinaya texts, expulsion applies to novices who transgress the first five specific rules applying to them, or who commit five other types of offence;<sup>2</sup> to certain categories of monk who should not have been ordained; to monks or nuns who have committed a Pār. offence;<sup>3</sup> and to the nun Mettiyā, said to have been instrumental in groundless accusations against a monk. The term *nāsanā* is not further specified in these canonical Vinaya texts. As pointed out above (SVTT V, end of § 1 and n. 3), physical ejection itself is not expressed by *nāseti/nāsanā*.

In Kkh and Sp,<sup>4</sup> *nāsanā* is made to include three different penalties,<sup>5</sup> only the first of which implies the loss of monastic status, with expulsion *de jure* from the monastery:

<sup>1</sup>This SVTT was completed in November 1996, and discussed with U. Hüsken, who was then preparing an article (published in 1997) on the same topic.

<sup>2</sup>Höbögirin V 513b33–35, s.v. *Chūranja*, erroneously equates a novice’s *nāsanā* with the *pabbājaniya* penalty (on the latter, which applies only to monks and nuns, see above, SVTT IV, § § 2, 5a, 6a, 7a–b).

<sup>3</sup>*Nāsanantika* does not belong here at all: it does not mean “a bhikkhu who is under the penalty of expulsion” (so PED s.v. *nāsana*), but “depending on the loss” of material during the period when it may be received from donors and made into clothes (see KP, *Sīmā* 148 [4]; DEBMT s.v. *kaṭhina-uddhāra* [4]).

<sup>4</sup>Sp 582,19–24 (*ad* Vin III 162,38); 870,35–714 ≠ Kkh 127,39–28,5 (*ad* Vin IV 138,33); 1320,31–34 (*ad* Vin V 115,23); 1383,36–84,4 (*ad* Vin V 211,16\*). In the last two occurrences, and at Sp 1015,14, *liṅga-nāsanā* is referred to with the name of the novice Kaṇṭaka/ Kaṇḍaka, who incurred it because of his wrong opinions (CPD s.v. *kaṇṭaka-nāsanā*, which takes *kaṇṭaka*-° as a common noun meaning “nuisance” < “thorn”, is erroneous — even though Kaṇṭaka may have been so nicknamed precisely because of his “noxious” behaviour). — Cf. Vin-vn 1713; Utt-vn 933.

<sup>5</sup>The only canonical hint at this triad is in Vin V 211,16\*. As far as we know, this classification is unparalleled in other schools.

(a) *liṅga-nāsanā*,<sup>6</sup> which applies to both novices and monks/nuns; for the person sentenced to such an expulsion, the ceremony of taking shelter in the Three Refuges,<sup>7</sup> the choice of a preceptor, and receiving one’s share of bedding and lodgings are cancelled; one is left with no more than the outward token (*liṅga*) of monastic life (i.e., a set of monastic clothes);<sup>8</sup>

(b) *saṃvāsa-n°*, which applies exclusively to monks and nuns who have been suspended (*ukkhittaka*), thereby incurring a temporary and relative expulsion from the community to which they belong;<sup>9</sup>

<sup>6</sup>ChinSp 386–387 [44]: “personal ruin”, glossed by “ruin by [one’s own] actions” (the latter square brackets are the editors’); Lin, Aide-mémoire 89 n. 4: “*mie-chen*, litt. ‘suppression corporelle’”.

<sup>7</sup>Whereby admission as a novice into the monastic community (*pabbajjā*) takes effect (Sp 970,6–9, 24).

<sup>8</sup>*Tāvad ev’ assa saraṇa-gamanāni ca upajjhā-gaṇaṇi ca senāsana-gāho ca paṭippassambhati, saṃgha-lābhaṃ na labhati, liṅga-mattam eva ekaṃ avasiṭṭhaṃ hoti* (Sp 1014,16–18 *ad* Vin I 85,19); although this passage is about novices, Vmv II 117,5–8 states that it applies also to monks who have committed a Pār. offence. *Liṅga*, “outward guise (of a monk)”, occurs at Sp 1016,26 ff. (ChinSp 510–11 [18–19]), as contrasted with *gihi-liṅga*, “outward guise of a layman” (1017,23 ff.; on this passage, see Carrithers, *Forest Monks*, 110–11). DEBMT “depriving of the robe” (s.v. *nāsanā*) is therefore inaccurate; so are the translators followed by Norman, “‘Schism’ Edict” 3 ff. (= Norman, CP III 192 ff.; see Nolot, “Vices” 270–72, § III.1.A–B). DEBMT’s translation relies on the only recorded, abnormal case of expulsion entailing such a consequence, that of the nun Mettiyā (see below, § 5), who is said at Sp 584,12–13 to have been *given* — not *made to wear* — white (i.e., lay) clothes; according to Sp 1295,25–30 (*ad* Vin II 279,29), a nun who takes (but does not wear) lay clothes when returning to lay life (*vibbhamati*) may, unlike the one who wears them, be admitted again as a novice (though not reordained). Hüsken, “*Nāsanā*” 105 should be corrected accordingly.

<sup>9</sup>*Samvāsa*, “belonging to one community”, does not contrast here with the absolute, but with the relative *a-samvāsa*, “belonging nowhere”. Absolute *a-samvāsa* is incurred by monks and nuns who have committed

a Pār. offence and are, as a consequence, deprived of their very status: they are said not to belong to the (universal) Saṃgha anymore (Vin III 21,25\*\*, defined at III 28,20–22' as *eka-kammaṃ ek' uddeso sama-sikkhātā eso saṃvāso nāma*; so [pārājiko bhikkhu] *tena saddhiṃ n' atthi, tena vuccati a-saṃvāso*) ; as pointed out by KP, *Śīmā* 53, the term does not apply to any other monk or nun in Thv(M) canonical Vinaya texts.

As for suspended monks and nuns, they are said in the latter texts to be *nānā-saṃvāsaka*, “belonging elsewhere” than to the (local) Saṃgha who moved suspension (see above, SVTT IV § 8 b): they are therefore, implicitly, *a-saṃvāsa* in relation to this particular community. An explicit formulation of this relative *a-saṃvāsa*, contrasting with *samāna-saṃvāsa*, in fact occurs at Sp 904,3–10 (≠ Kkh 159,7–11): *samāna-saṃvāsakā bhikkhū vuccanti sahāyā so tehi saddhiṃ n' atthi ti* [Vin IV 219,1–2'] *ettha eka-kammaṃ* [so read with v.l.] *ek' uddeso sama-sikkhātā ti ayaṃ tāva saṃvāso, samāno saṃvāso etesan ti samāna-saṃvāsakā, eva-rūpā bhikkhū bhikkhussa tasmīṃ saṃvāse saha ayana-bhāvena sahāyā ti vuccanti, idāni yena saṃvāse na te samāna-saṃvāsakā ti vuttā so saṃvāso tassa ukkhittakassa tehi saddhiṃ n' atthi, yehi ca saddhiṃ tassa so saṃvāso n' atthi na tena te bhikkhū attano sahāyā katā honti* — “ ‘Monks belonging to the same community are called companions; he is not in their company’: here, [monks] belonging to the same community are those for whom community is the same — ‘community’ being defined as ‘united procedures, united recitation [of the Pātimokkha], common training in the rules’; such monks are called ‘companions’ [*sahāyā*] of a monk in this community because they cultivate a path [*ayana*] together [*saha*]. Now, the community due to which they are termed ‘belonging together’ is not shared by this suspended [monk]; and the monks with whom he is not in community do not consider themselves as companions with him” (as for *akata-sahāyā*, both BD III 168 “unfriendly [suspended monk] towards [others]”, and CPD s.v. “who has not taken an advocate” are wrong). Kkh 159,10–11 adds *samānasamvāsaka-bhāvaṃ anupagatan ti attho*: “The meaning is: ‘deprived of the status of one who belongs to the same community’”.

*Saṃvāsa-nāsanā* is explained by Sp 582,21–23 as *āpattiya adassane vā appaṭikamme vā pāpikāya* [omit *ca* with v.l.] *diṭṭhiyā appaṭinissagge vā ukkhepaniya-kammaṃ karonti ayaṃ saṃvāsa-nāsanā*. Here Sp-ṭ II 345,29 comments: *ekakammādi-saṃvāsassa a-karaṇaṃ saṃvāsa-nāsanā*, thus referring to the relative *a-saṃvāsa* of suspended monks and nuns, as defined by Sp 904,3–10, rather than to the absolute *a-saṃvāsa*

(c) *daṇḍakamma-n°*, a kind of “punishment” (*daṇḍa-kamma*) which also entails temporary expulsion, but which applies exclusively to novices. Although merged in Sp’s commentary, *daṇḍa-kamma* and *nāsanā* are dealt with in separate sections of the Mahāvagga, respectively at Vin I 84,5–34 and 85,15–26; for this and other reasons, *daṇḍa-kamma* will be discussed separately below, in SVTT VII.

2a. Vin I 85,15–26 lists ten grounds on which a novice is to be expelled.<sup>10</sup> The first five are the transgression of the first five rules he should observe (Vin I 83,31–35): abstaining from killing living beings, from stealing, from unchaste behaviour,<sup>11</sup> from lying, and from drinking intoxicants. The last five grounds are: disparaging either the Buddha, or the doctrine, or the monastic community;<sup>12</sup> holding wrong opinions; raping a (fully ordained, Buddhist)<sup>13</sup> nun.

2b. According to Sp 1014,12–15,2, the type of expulsion entailed by breaking the first five rules<sup>14</sup> is (definitive) *līṅga-*

incurred by those who committed a Pār. offence — contrary to what is argued by Hüsken, “Nāsanā”, 109, and according to whom *saṃvāsa-nāsanā* refers specifically to monks and nuns who have been suspended for refusing to see or redress a Pār. offence (furthermore, as seen above [SVTT IV n. 47], the disciplinary procedure of *ukkhepaniya* may not apply to Pār. offences; in such a case, the relevant procedure would be *tassa-pāpiyyasikā* [see below, *TPāp*]).

<sup>10</sup>*Nāsetuṃ* (without further details, as at Vin V 138,16–17, where these ten grounds are referred to). – Summary of Tib. Mū parallel: Banerjee, SarvLit 181.

<sup>11</sup>Cf. Vin III 40,2–4, where a female probationer and a female novice are said to incur expulsion.

<sup>12</sup>The relevant penalty for monks who disparage them is any of the seven disciplinary procedures studied above, SVTT IV, except *paṭisāraṇiya* (see *ib.*, § 6a [v]).

<sup>13</sup>Cf. Sp 1023,28–24,7; Vin-vn 2538–39.

<sup>14</sup>Except the last one, these rules are more stringent than for monks. Expulsion is incurred by killing any living being, whether human,

*nāsanā*; it applies to novices who, instead of making a firm resolve to improve in the future, persist in their wickedness, and are to be eventually thrown out (*nikkaḍḍhitabba*).<sup>15</sup> If, however, the novice acknowledges his error without delay, and resolves to improve, he is not to be expelled, but should again be made to take shelter in the Three Refuges, to choose a preceptor, and to strengthen his resolve by a solemn statement that he will observe the ten rules (*cf.* Sp 970,20–26). His entitlement to a residence during the rains retreat depends on when the second ceremony of the Three Refuges took place: if it was during the earlier retreat, he may get his share of lodgings beginning from the first day of the later one; if it was during the later one, the chapter's consent has to be secured by a procedure of formal consultation.<sup>16</sup>

2c. Sp 1015,2–23 goes on to explain that transgressing the last five rules to be observed by novices (eating after noon, watching entertainments, wearing ornaments, lying down on high, large beds, accepting gold and silver)<sup>17</sup> does not entail

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animal, or vegetable; by stealing even a blade of grass; by any kind of sexual misbehaviour; by telling lies, even for a joke — unlike the Pātimokkha rules applying to monks and nuns, which make the same offences heavier or lighter, depending on the circumstances of the case. Drinking intoxicants, however, entails the expulsion of a novice only if he did so consciously, unlike the Pāc. offence entailed by monks in the same case (Sp 1014,12–15, 1014,30–15,2; *cf.* 1386,28–30 [with a misprint *dāṇḍa-*°]). — *Cf.* below, SVTT VII n. 6.

<sup>15</sup>*Cf.* above, SVTT V n. 3. According to Vjb 428,12–13 (= Sp-ṭ III 156,4–6), such novices should be sentenced to expulsion by a formal consultation of the chapter (see SVTT I 80–81, § 3 a) if they do not desist after having been told to do so three times. Should they apply again for admission to the monastic fold, another formal consultation is to be carried out for that purpose (*yāva-tatiyaṃ vuccamāno na oramati, saṃghaṃ apaloketvā nāsetabbo; puna pabbajjaṃ yācamāno pi apaloketvā pabbajetabbo ti vadanti*).

<sup>16</sup>*Apaloketvā* (Sp 1014,30).

<sup>17</sup>Vin I 83,35–84,4; *cf.* Sp 1012,32–13,1.

a *liṅga-nāsanā*, but only temporary expulsion as a means of “punishment” (*daṇḍakamma-n°*), consisting in barring the novice from his lodgings (see below, SVTT VII, §§ 2 and 4). As for those who go on disparaging the Buddha, the doctrine, or the monastic community, even after a threefold informal admonition by their preceptors or instructors to stop doing so, they should be punished with the same *daṇḍa-kamma*, then urged to acknowledge their transgression; *liṅga-nāsanā* should be resorted to only if they refuse to do so.<sup>18</sup> The same provisions apply to a novice who holds wrong opinions.<sup>19</sup> Both the instigation of this punishment and its eventual cancellation are to be carried out by a procedure of formal consultation (Sp 1402,20–403,13, *ad* Vin V 222,22; *cf.* above, SVTT V, § 3).

The latter case is dealt with in the Thv(M) [bhu] 70th Pāc. (said to apply also to nuns),<sup>20</sup> whose main object is, however, to forbid monks and nuns to have any relation with such a male or female novice. According to the *sikkhāpada*, the standard formula for expulsion is: “From now on, Master [*āvuso*] novice, you may neither refer to the Bhagavat as your teacher, nor spend two or three nights in the same place

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<sup>18</sup>Thus following the Mahā-aṭṭhakathā, unlike the Kurundī, which would apply *liṅga-nāsanā* immediately after the threefold admonition (Sp 1015,13–19; *cf.* Hüsken, “Nāsanā”, 106–107).

<sup>19</sup>This is why Sp 1320,31–34 and 1383,36–84,4 include, under the key-name Kaṇṭaka/Kaṇḍaka (*cf.* above, n. 4), both *daṇḍakamma-*° and *liṅga-nāsanā*.

<sup>20</sup>Vin IV 138,19–40,31 with Kkh 127,37–28,14, Sp 870,33–71,12; n°I 48 [bhi]. — *Cf.* UpāliPr(SR) 80, n° 59. — Dh fragment: CASF(II) 166, n° 70. — Conc.: BhīPr 59, table IV.1 s.v. *nāśitasamgrahaḥ*. — *Cf.* Hüsken, “Nāsanā”, 98–101, 105–106. A preceptor or instructor, and his pupil, are expected to dissuade each other from holding wrong views (Vin I 49,16–18 [= II 226,17–19] ≠ 52,28–30 [= II 229,38–30,2]); a monk may (and should) break the rains retreat for up to seven days when (female) probationers, or novices of either sex, are to be dissuaded from the same (Vin I 146,1–8 ≠ 146,23–29 ≠ 147,7–14).

as monks, as other novices are allowed to do. Go out, you fool, go to Hell!”<sup>21</sup> Neither the *nidāna*, nor the *sikkhāpada*, nor the *vibhaṅga* specify which kind of expulsion is entailed;<sup>22</sup> Kkh 128,4–5 ≠ Sp 871,2–4 (cf. Sp-ṭ III 345,30–46,1) state that what applies here is *daṇḍakamma-n°*, thus making it implicitly parallel with the *saṃvāsa-n°* incurred by monks and nuns, who are, in the same circumstances, to be sentenced to suspension<sup>23</sup>.

Sp 1015,23–29 (*ad* Vin I 85,19; cf. ChinSp 510 [17]) states that the case of novices who rape nuns is a special one, not included, as might be expected, in the third rule (sexual misbehaviour) for novices: unlike another sexual offender, who may, if he firmly resolves to improve, go through the ceremony of the Three Refuges again, then be ordained, someone who rapes a nun may not, whatever his subsequent behaviour; the *nāsanā* entailed is therefore implicitly a *līṅga-n°*.

3. According to Vin I 85,27–89,21, *nāsanā* also applies to eleven kinds of monk who should not have been admitted to the Order in the first place, and whose ordination is in any

<sup>21</sup> *Ajjatagge te āvuso samaṇ’ uddesa na c’ eva so bhagavā satthā apadisitabbo, yaṃ pi c’ aññe samaṇ’ uddesā labhanti bhikkhūhi saddhiṃ dviratta-tirattaṃ sahasseyyaṃ, sāpi te n’ atthi; cara pi re vinassa* (Vin IV 139,28–31\*\*). As pointed out by v.Hi., *Mündlichkeit*, 9, 10–11, this stock phrase contains two linguistically archaic features: *āvuso* and *re*; on the gloss *pi re ti amāma* (Sp 871,6), see PED s.v. *pire* (cf. Sp-ṭ II 346,1–5). – Parallels: (Sa) Finot 516,5–9; (Mū) Erg.L.Ch 6,26–30; PrMoSū(Mā-L) 24,11–13; cf. also Pachow, CompSt 152–53.

<sup>22</sup> An indirect hint at some formal procedure or other (nowhere described) can be traced in the prescription *tena hi bhikkhave saṃgho Kaṇḍakaṃ samaṇ’ uddesaṃ nāsetu* (Vin IV 138,32–33, *nidāna*), as contrasted with the informal proceedings prescribed by *so samaṇ’ uddeso bhikkhūhi evaṃ assa vacanīyo* (139,27–28\*\*). A fourfold procedure is explicitly referred to in this context at (Mū) Guṇ-VinSū 53,14.

<sup>23</sup> *Ukkhepanīya-kamma*; cf. above, SVTT IV nn. 11, 91; SVTT V n. 3.

case invalid<sup>24</sup>: eunuchs;<sup>25</sup> fake monks; former monks who joined a non-Buddhist monastic community, then applied for a second Buddhist ordination; animals; matricides; parricides; murderers of Arahats; monks who raped nuns; former monks who tried to split the monastic community; people who shed the blood of a Buddha; and hermaphrodites. According to Sp 1016,15–16, in all such cases, the *nāsanā* entailed is a *līṅga-n°*.

4. The expulsion from the Saṃgha of monks/nuns who have committed a Pār. offence is prescribed at Vin I 173,22, II 78,36 = III 162,16, III 33,25–31, 40,1–2, IV 216,33\*\*<sup>26</sup>, etc. In every case, according to Sp 1078,9, 269,9, and Kkh 158,25–26, this expulsion is, implicitly or explicitly, a *līṅga-n°*. The expulsion of a monk who was found guilty of obstinate wrongness (*tassa-pāpiyyasikā*), and who did not observe the

<sup>24</sup> As contrasted with those who, although they did not fulfil the conditions for ordination either, are nonetheless considered as having a valid ordination (see above, SVTT V, § 4). These eleven kinds of monk are referred to at Vin V 140,14–15; according to Sp 1391,26–28, the same are implied by Vin V 216,32 *nāsita*, *su-nāsita*. – Cf. Hüsken, “Nāsanā” 98–99.

<sup>25</sup> Or homosexuals, according to Zwilling, “Homosexuality” (referred to by Hüsken, “Nāsanā”, 95 n. 9 as an American publication dated 1992; not available to me, although I did see an article with the same title by the same author, dated 1989 [references at the end of this paper]; the range of application of the term *paṇḍaka* seems to me, *prima facie*, to be a bit more complex than can be gathered from Zwilling’s later article).

<sup>26</sup> The latter reference is about a *nāsita* nun (on the vv.ll. of the *sikkhāpada*, see Hüsken, “Nāsanā”, 94 n. 6; cf. Hüsken, “Vorschriften”, 50–51, n. 41); the gloss at Vin IV 217,13–14 runs: *nāsita nāma sayam vā vibbhantā hoti aññehi vā nāsita* – “‘expelled’ means that she either returned to lay life of her own accord, or was expelled by others” (Kkh 158,25–26: *nāsita ti līṅganāsanāya sayam vā naṭṭhā aññāhi vā nāsita*), unlike the Chinese Sa parallel, which refers explicitly to a formal procedure of expulsion (BhīPr 21 n. 7).

penalty imposed, is most probably of the same type, although this is nowhere specified as far as I can see.<sup>27</sup>

5. The emblematic, much discussed case of the nun Mettiyā is dealt with at Vin II 79,20–24<sup>28</sup> = III 162,37–163,3:<sup>29</sup> the Buddha prescribed her expulsion after she had complied with the request of wicked monks to make a false charge against a monk of raping her (that is, of the first Pār. offence, aggravated by her status as a Buddhist nun [cf. above, end of § 2 a]).

Such behaviour is, however, nowhere said to entail expulsion, and the case gave rise, according to Sp 582,30–84,9, to a controversy<sup>30</sup> about this *līṅga-nāsanā* between the Abhayagirivāsins and the Mahāvihāravāsins, who also debated the point whether Mettiyā was expelled because of

<sup>27</sup>See below, TPāp, § § B-C.

<sup>28</sup>Where the context is that of the settlement of formal disputes (see SVTT II 109 and n. 57). The same *nīdāna* (Vin II 78,25–79,20) recurs, *mutatis mutandis*, at III 162,5–37, in the account of how the Buddha prescribed “turning down the bowls” at an offending layman (see below, SVTT IX).

<sup>29</sup>In the *nīdāna* of the rule which makes it a Saṃgh. offence for a monk or nun to make a groundless charge of a Pār. offence (Thv(M) Saṃgh. n° 8 [bhu], Vin III 158,2–66,28 with Kkh 42,12–44,21, Sp 575,21–98,9 [ChinSp 382–92]; n° 8 [bhī]. – Cf. UpāliPr(SR) 47, n° 8. – Conc.: BhīPr 54, table II.1 s.v. *amūlakam*. – [bhī] Skt Sa fragments: Finot 1913 549; BhīPr 26–27). It may be noted that Rosen’s summary of the *nīdāna* of the Chinese Sa version of this rule makes no reference at all to the nun’s expulsion (VinVibh(R) 64–65); according to Lin, “Aide-Mémoire”, 90 n. 2, neither does any “Northern” Vinaya text (i.e., other than the Thv(M) ones in Pāli).

<sup>30</sup>Said by Sp to have been supervised by King Bhātiya (middle of the first cent. A.D.: V.Hi., “Buddhist Law”, 26 and n. 54); as stressed by v.Hi., *ib.* 36–38, this testifies to the interference of Sinhalese kings in scholastic debates about Vinaya technicalities. This controversy is not altogether omitted in ChinSp 387 [45] (v.Hi., *ib.* 36 n. 78), whose account is, however, anything but clear, and does not name any protagonists.

her acknowledgement of the facts<sup>31</sup> or for another reason. If it was because of her acknowledgement,<sup>32</sup> the monk did take part (*kāraka*) in the act, and was therefore guilty (*sadosa*, i.e., of a Pār. offence); if it was for another reason, as rightly (so Sp says) argued by the Mahāvihāravāsins on the basis of their own, non-committal Vinaya recension,<sup>33</sup> he was not. Sp goes on to discuss how the abnormal expulsion of Mettiyā was based on her inherent wickedness,<sup>34</sup> not on any Vinaya

<sup>31</sup>*Tena hi bhikkhave Mettiyaṃ bhikkhuniṃ sakāya* [misprinted *sakkāya* in v.Hi., “Buddhist Law” 37] *paṭiññāya nāsetha* (≠ Vin III 162,38–63,1; Abhayagiri version, quoted at Sp 583,10). Contrary to what is stated by v.Hi. *ib.* (see v.Hi., “Buddhist Law”-II 87–89, for further details and a slightly different translation of Sp 269,10–11), this phrase does not refer to the monk’s consent to Mettiyā’s expulsion, but to the latter’s *a priori* trustworthy acknowledgement (*paṭiññā*) of the facts (cf. Vjb (B° 1960) 196,12 *appaṭiññāya ti ayyena ’mhi dūsitā ti* [≠ Vin III 162,21–22] *imaṃ paṭiññāṃ vinā eva*; see further Vmv I 281,30–82,24, Sp-† II 346,8–16); acknowledgement of the facts or of the offence committed is here, as in all other cases, a prerequisite for any further investigation (see SVTT II 112–13, n. 64). This is further confirmed by Sp 269,9–11 (ChinSp 205 [55]) *ad* Vin III 33,25 (expulsion of two monks, the first of whom had sexual relations with the second while the latter was asleep): *ettha dve pi līṅga-nāsanena nāsetabbā. Tatra dūsakassa paṭiññā-karaṇaṃ n’ atthi. Dūsito ti pucchitvā paṭiññāya nāsetabbo*; *sace na sādīyati na nāsetabbo* – “Here, both monks should be sentenced to *līṅga-nāsanā*. In this case, there is no acknowledgement [of the facts] by the defiler; [the latter monk] is to be expelled if, when asked whether he was defiled, he did acknowledge [the fact]; if he did not enjoy [the act], he should not be expelled”. – Hüsken, “Nāsanā”, 103–105 should be corrected accordingly.

<sup>32</sup>Which is indeed clearly expressed at Vin III 162,27 (to be filled in with *ib.* 162,18–22), as pointed out to me by O. von Hinüber.

<sup>33</sup>*Tena hi bhikkhave Mettiyaṃ bhikkhuniṃ nāsetha* (= Vin III 162,38–63,1; quoted at Sp 583,12–13).

<sup>34</sup>In accordance with the post-canonical, technical equation of *sīla-vipatti* with the commission of a Pār. offence (see SVTT II, 97 n. 19), Vmv I 283,11 states that her very immorality made her guilty of a Pār. and thereby liable to *līṅga-nāsanā*.



prescription: normally, a nun who makes false charges against a monk simply incurs a Dukk.<sup>35</sup>

**BHS** *nāsanā-vastu*, n. : Prakīrṇ(Mā-L) 329,1.

*nāsayati* : PrMoSū(Mā-L) 24,10. – *nāśita*, m(f).: *ib.* 24,14.

*nāseti* : BhīVin(Mā-L) 78,11, 321,10, 322,1.

**Skt** *nāśana*, n. : (Mū) Guṇ-VinSū 4, 7, 10 (*cf.* Guṇ-VinSū(Pravṛ-v) 21,30–22,1, 22,11–12), 99,25. – °*arha*, m(f)., “liable to expulsion”: (Mū) MSV(D) IV 53,13f. (= Lévi, “Mss sanscrits” 27,19f.).

*nāsanīya*, n. : (Mū) Guṇ-VinSū 53,15; Mvy 8647.

*nāsayati* : (Sa) Finot 1911 625 (III b 4). – (Mū) Guṇ-VinSū 53,14f.; MSV(D) IV 53,7, 56,17, 64,17 (= Lévi, “Mss sanscrits” 27,13, 29,9, 33,15 [*cf.* (Sa) Finot 1913 555 [B3]]). – *nāśita*, m(f).: (Sa) PrMoSū 189 (CBd, r° 2 [*cf.* VinVibh(R) 184 n. 2]), 278 (IS, r° 4). – PrMoSū (Mū)<sub>2</sub> 40,6 (reconstructed from Tib.).

<sup>35</sup>This invalidates Hüsken’s argument (“Nāsanā”, 96–98) that Mettiyā’s *nāsanā* was prescribed before the rule about false charges was framed: if so, the legislators would most probably have referred to Mettiyā’s case when framing it. – According to Sp 583,17–84,5 (with Vjb 196,24–25, Vmv I 282,24–83,11, Sp-ṭ II 346,16–47,14), contrary to what might be argued, the first Thv(M) Pāc. (which deals with deliberate lying) does not apply here, just as it does not apply in the case of groundless charges of a Saṃgh. offence: the latter are dealt with in another, specific Pāc. (Thv(M) n° 76 [bhu]; n° 154 [bhī]) — in both cases, the intentional accusation (*anuddhamśanādhippāya*) is what differentiates the offence both from a simple, conscious lie (*sampajāna-musāvāda*, first Pāc.), and from verbal abuse (*omāsa-vāda*, 2nd Pāc., whose distinctive feature is intentional reviling [*akkosādhippāya*]) (*cf.* Kkh 43.35–44,16; Upāli Pr(SR) 47, n° 8). As far as can be seen, there is no formal statement, in Thv(M) canonical texts, about the offence (Dukk., Pāc., or other) incurred by a nun who charges a monk with a Pār. groundlessly; however, the decision that a Dukk. ensues occurs explicitly in the Chinese Sa Upāliparipucchā (VinVibh(R) 234–35). For further discussion, see v.Hi., “Buddhist Law”-II 89–91.

*nāśita-saṃgraha*, m., “relations with an expelled monk”: (Mū) Guṇ-VinSū 53,13, 18; Mvy 8481.

## VII. *Daṇḍa-kamma* (n.), “punishment”

1. *Daṇḍa-kamma* literally means “thrashing”; in Buddhist monastic law, it occurs exclusively in a metaphorical sense,<sup>1</sup> and is not a technical term *per se*, but merely expresses the necessity of some (minor) “punishment”<sup>2</sup> whose particulars must then be defined according to the circumstances of the case, as is clear from the wording of the three canonical passages where it is prescribed.<sup>3</sup>

2. At Vin I 84,5–34, it is said to apply to disobedient novices who stand in the way of the monks’ welfare, or who abuse them, or who foster quarrels among them.<sup>4</sup> According

<sup>1</sup>The prescriptions in the Cullavagga (with Sp’s commentary), and those of (Mū) Guṇ-VinSū (see below, § 2 and n. 20), testify that the literal sense of the term (which may apply in lay judicial cases: see, e.g., Vin I 75,29–30, 76,1–2 with Sp 998,24–99,9) had to be explicitly excluded from the lexicon of monastic law.

<sup>2</sup>As to the alleged technical connection between *daṇḍa-kamma* and *brahma-daṇḍa*, see below, SVTT X, § 3b.

<sup>3</sup>Vin I 84,15–16 = II 263,9–11 *atha kho bhikkhūnaṃ etad ahosi: kiṃ nu kho daṇḍa-kammaṃ kātābbaṃ ti. Bhagavato etaṃ atthaṃ ārocesuṃ. Anujānāmi bhikkhave āvaraṇaṃ kātun ti; II 262,7–10 atha kho bhikkhūnaṃ* (B° [1972] 453,3 *idem*) ... *kātābbaṃ ti. Bh° ... ārocesuṃ. Avandiyo so bhikkhave bhikkhu bhikkhunī-saṃghena kātābbo ti* (Sp 1404,11 [E°], 1046,34 [C° (SHB 1948)]) has, more logically, *bhikkhunī-naṃ* instead of *bhikkhūnaṃ* in a quotation of the latter passage). – *Cf.* Hüsken, “Nāsanā”, 106.

The imprecise nature of the term is confirmed by its occurrences in Sp (see index s.v. *daṇḍa*, °*kamma*, and below, § 4); as for Kkh, the only occurrence I have been able to trace so far is at 128,1, 5 (compounded with °*nāsanā*).

<sup>4</sup>These three grounds are, *mutatis mutandis*, partly the same as those on which a *paṭisāraṇīya-kamma* is to be carried out against monks who stand in the way of the laymen’s welfare, etc. (see above, SVTT IV, § 6 a), and as those on which laymen who stand in the way of the monks’

to Vin I 84,17–85,8,<sup>5</sup> this punishment consists in barring (*āvaraṇaṃ karoti*) the sentenced novice from his lodgings; in no case should he be either barred from the whole monastery (cf. above, SVTT V n. 3), or deprived of food, or sentenced to such a punishment without his preceptor's consent.

Sp 1013,33–34, 1015,2–23, 1386,26–30 extends this penalty to novices of either sex and to (female) probationers<sup>6</sup> who break the last five rules they are expected to observe, or who hold wrong opinions (see above, SVTT VI, § 2c), and to the newly ordained pupils of preceptors and instructors. According to Sp 1013,14–27, the quantity of food and clothes given to a novice sentenced to this *daṇḍa-kamma* may be restricted, and he may be requested to fetch water, wood, sand, etc.;<sup>7</sup> but his bowl and outer cloak should not be stored inside his lodgings,<sup>8</sup> and he should not be physically mistreated (cf. below, n. 20).

welfare, etc., may be sentenced to a *pattanikkujjanā-kamma* (see below, SVTT IX, § 1).

<sup>5</sup>With Sp 1013,9–34; cf. Vin-vn 2513–19.

<sup>6</sup>Sp 1386,26–30 (*ad* Vin V 212,25\*) explains that *āpatti*, “offence”, is a technical term which applies *stricto sensu* only to monks and nuns; according to Sp 754,13–17, novices commit “transgressions” (*ajjhācāra*) that may be either “major” (*duṭṭhulla*) — if they concern the first five “precepts” (*sāmaṇera-sikkhāpada*) — or not (*a-duṭṭhulla*) — (if they concern the last five (see above, SVTT VI, § 2a–c). There is therefore, technically, no confession (*desanā*; see SVTT II 112–13, nn. 63–64) of their offences by novices or probationers, who are to be sentenced instead to *daṇḍa-kamma* (cf. above, SVTT VI, § 1 [c] and n. 14; below, SVTT VIII n. 10). Vjb 576,12–14 has the interesting comment that the confession of novices should be avoided because “the Mahāsaṃghikas are said to make even novices confess their offences” (*mahāsaṃghikā sāmaṇere pi āpattiṃ desāpentī kira*).

<sup>7</sup>Cf. Sp 952,15–24 = Ps II 173,7–17 ≠ Ud-a 26,5–13 ≠ Mp 23,6–15.

<sup>8</sup>Cf. the prescriptions of Guṇ-VinSū 9,20–22 (cf. Guṇ-VinSū(Pravṛ-v) 42,9–13) about eviction (*avasādana*, corresponding to Pāli *pañāmanā* [see below, § 4]) : *niṣkāsaṇaṃ akaraṇīyatāyāṃ layanāt parisrāvaṇa-kuṇḍike*

Kkh and Sp list this punishment as one of the three kinds of “expulsion” (*nāsanā*), and the only one applying exclusively to novices.<sup>9</sup>

3. According to Vin II 262,1–24, another kind of *daṇḍa-kamma* is to be meted out to lewd monks who play bad jokes on nuns. In this case, the punishment consists in the nuns' decision to stop greeting the guilty monk (*avandiyo kātabbo*),<sup>10</sup> until, according to Sp 1292,19–27, he begs either the monks' chapter or another monk to go and ask for the nuns' forgiveness on his behalf.<sup>11</sup>

When meted out to a lewd nun who plays bad jokes on monks,<sup>12</sup> this punishment is said to be the same as for novices, i.e., barring her (*āvaraṇā*) from her lodgings.<sup>13</sup> If

*datvā sāntarottaraṃ ca śrāmaṇerasya ; upasāmpat-prekṣaś cet pañca pariṣkāraṇ.*

<sup>9</sup>See above, SVTT VI, § 1c and 2c.

<sup>10</sup>Whereby the “important duty” (*garudhamma*) that nuns should greet monks whatever the circumstances ceases to apply (see Hüsken, “Einrichtung”, 156; Freiburger, Br-Strafe 486–87; Hüsken, “Vorschriften” 226, 378). Sp 1292,15–19 describes the decision as a formal consultation (*apalokana-kamma*; see SVTT I 80–81, § 3a), and refers, with *Kamma-vibhaṅga* (1292,27), to Sp 1404,1–16 (*ad* Vin V 222,23–24), which partly quotes Vin II 262,1–24. According to Sp 1396,26–28, this *avandanīya-kamma* (Sp 1404,14, Kkh 132,7 *avandiya*-°) is one of the eight procedures that may be carried out in the absence (*a-sammukhā*) of the person who is the object of it (see SVTT II 100 n. 30). – This case should not be confused with that of the ten kinds of people “not to be greeted” (Vin II 162,23–28; cf. Utt-vn 661a, Khuddas XX).

<sup>11</sup>This *avandanīya-kamma* seems to be the only procedure that a nuns' chapter may carry out against a monk; according to Vin V 195,5–24 (with Sp 1376,15–20), its grounds also include the cases when a monk stands in the way of the nuns' welfare, or abuses them (cf. above, § 2, and SVTT IV, end of § 6a; the Pātim rules about abuse between monks and nuns are dealt with by Hüsken, “Vorschriften” 225–27).

<sup>12</sup>Cases of immodest jokes between persons of the same sex are not contemplated.

<sup>13</sup>See above, § 2; cf. Sp 1292,31–93,1.

the nun thus sentenced does not mend her ways, her participation in the fortnightly exhortation (*ovāda*) of nuns by a monk and in the concomitant *uposatha* ceremony to be performed in the nuns' chapter are both to be suspended; the monk who suspends her from exhortation should be competent; he should act on serious grounds, and state the decision about the case; having done so, he may not leave that place (Vin II 262,24–63,34 with Sp 1292,31–93,5).

**BHS** *daṇḍa-karma*, n.: Abhis-Dh(Mā-L) 10.B.6,2–3, 10.A.7,7, 10.B.7,1, 11.A.2,6f., 11.A.3,6, 11.B.3,1, 11.B.4,6, 11.A.6,3;<sup>14</sup> BhīVin(Mā-L) 249,2–3' (punishment of a newly ordained nun by her preceptor), 249,11 (unspecified; see preceding n.).

**Skt** *daṇḍa-karma*: Guṇ-VinSū 103,29 (specification, if any, is unclear to me).

4. Although the imprecise meaning of *daṇḍa-kamma* need not be problematic in itself, two of its occurrences in Sp are somewhat ambiguous in their context: *sace ādito 'va [upajjhāyo paṇāmitaṃ] na khamati, [paṇāmitena] daṇḍa-kammaṃ āharitvā tikkhattuṃ tāva sayam eva [upajjhāyo] khamāpetabbo*<sup>15</sup> — “if [a preceptor] does not readily forgive

<sup>14</sup>Throughout this text, the term occurs exclusively in the stock-phrase *asmākaṃ [bhikkhūnāṃ] bhagavān daṇḍa-kammaṃ deti imeṣāṃ [bhikkhūnāṃ] muktikā*, “the Bh° metes out punishment to us [monks], and frees the other [monks] from liability”; BhīVin(Mā-L) 249,11 provides the variant *asmākaṃ bhagavatā daṇḍa-kammaṃ prajñaptam imāsāṃ muktikā*; nowhere is *daṇḍa-karma* precisely defined (cf. Nolot, “Règles” 271 n. 267, with further references in secondary literature). — As for the syntax of *daṇḍa-karma*, cf. next note.

<sup>15</sup>Sp 986,24–25 (≠ 988,8–9 *paṇāmitena daṇḍa-kammaṃ āharitvā [ācariyo] tikkhattuṃ khamāpetabbo*). My translation of *d-k° āharati*, “to accept a punishment [inflicted on oneself]”, is based on a cursory review of its syntax, and may need correction (in Pāli texts, *daṇḍa-kamma* is also constructed, in the accusative, with *karoti*, (*pa*)*ṭṭhapeti*, *gaṇhati*, and in

[the pupil he evicted], [the evicted pupil] should accept the punishment, and make on his own a threefold request [to his preceptor] for forgiveness”. This is preceded by an explicit reference<sup>16</sup> to Vin I 53,29–55,18, which deals with the case of when a preceptor or instructor is to evict (*paṇāmeti*)<sup>17</sup> an unruly pupil; the latter is expected to ask for the former's forgiveness (*khamāpetuṃ*), and the former may not refuse to grant it (*khamati*).

Now this passage in Sp is not part of its commentary on this eviction, but belongs to the commentary on Vin I 62,12–23, which deals with the five- or sixfold exceptional cancellation (*paṭippassaddhi*) of the otherwise compulsory dependence (*nissaya*) of a newly ordained monk on his preceptor or instructor.<sup>18</sup> The last of these exceptional cases is said by Vin I 62,12–23 to be *āṇatti*, “injunction”, without further details. According to Sp 986,18–22, *āṇatti* means *nissaya*–

the instrumental with *pīleti*; in BHS texts, in the accusative, with *deti*, *prajñāpayati* [cf. preceding note]).

<sup>16</sup>Sp 986,19–22 *paṇāmemi tan ti vā mā idha paṭikkamī ti vā nīhara te patta-cīvaran ti vā nāhaṃ tayā upaṭṭhātabbo ti vā iminā pālī-nayena* [≠ Vin I 54,5–7] *mā maṃ gāmapavesanaṃ āpucchīti ādinā pālimuttaka-nayena* [cf. Vin I 50,21–22 ≠ (truncated E°) 61,13] *vā* – “I evict you”, or “Do not come back here”, or “Take out your bowl and your clothes”, or “Stop waiting upon me”, or “Do not ask for my permission to go to the village” (*nīhara te patta-cīvaran* is translated inaccurately at BD IV 69 by “Bring back your bowl and robe”).

<sup>17</sup>Vin I 54,4 *paṇāmetabba* is glossed at Sp 982,32 by *apa-sādetabba*. This shows that in the Skt Mū parallel (Guṇ-VinSū(Pravṛ-v) 41,29–42,8 [Guṇ-VinSū 9,14–20]), *ava-sādayati* does not mean “to rebuke” (so *ib. xxxv*), but “to evict” (cf. below, nn. 19–20).

<sup>18</sup>Cf. above, SVTT IV n. 8 (ii).

*paṇāmanā*, “eviction from dependence” — that is, the separate Vinaya prescriptions about eviction and cancellation of dependence are explicitly connected here.<sup>19</sup>

It may be observed that eviction from dependence of an unruly new monk is very similar to the *daṇḍa-kamma* barring (*āvaraṇā*) a novice from his lodgings; moreover, as noted above, § 2, this *daṇḍa-kamma* is also said by Sp to apply to new monks. This raises the question of whether *daṇḍa-kammaṃ āharati* refers to eviction proper, or precisely (and semi-technically) to the canonical *daṇḍa-kamma* applying to novices. In the latter case, it would have to be interpreted as the implicit merging in Sp of two similar penalties that are considered as distinct by canonical texts: *daṇḍa-kamma* applying to novices, defined as *āvaraṇā*, “shutting off”, and *paṇāmanā*, “eviction” of a newly ordained monk. In favour of this tentative hypothesis, it may be noted that the threefold commentarial classification of *nāsanā*, “expulsion”, includes this *daṇḍa-kamma* (see above, end of § 2), but not *paṇāmanā*, contrary to what the close similarity between these two penalties might lead us to expect: this perhaps means that the latter came to be identified with the former.<sup>20</sup>

<sup>19</sup>Though not in Sp’s commentary on eviction (982,29–83,19). The two are also connected in the Skt Mū parallel at Guṇ-VinSū(Pravṛ-v) 41,29–42,1 : *na niśritaṃ* [Guṇ-VinSū 9,14 *niḥśritaṃ*] *avasādanārhaṃ nāvasādayet*. *Pañcāvasādanā* [Guṇ-VinSū 9,15 °*nāh*]: *anāsāyo anavavādaḥ* [Guṇ-VinSū 9,15 *anālāpo* ‘*navavāda*’] *upasthāna-dharmābhiṣaiḥ asaṃbhogaḥ* [read, or correct to, °*dharmāmiṣair asaṃ*° with Guṇ-VinSū 9,15] *prārabdhaśālaśāpakṣa-samucchedo niśraya-pratiprasrambhanaṃ ca* [Guṇ-VinSū 9,16 *niḥśraya*-°]. As shown above, n. 17, Skt *avasādanā* corresponds to Pāli *paṇāmanā*; *pratiprasrambhana* = Pāli *paṭippassambhāna*, a commentarial variant of the canonical Pāli *paṭippassaddhi*.

<sup>20</sup>A further clue may be found in the prescription occurring in the Skt Mū parallel to the Thv(M) text dealing with eviction, at Guṇ-VinSū(Pravṛ-v) 42,13–14 (≠ Guṇ-VinSū 9,22–23; cf. above, nn. 17 and 19) : *na siṃha-niṣṭhuro bhavet, na viḥāta-saṃvartanaṃ kriyā-kāraṃ kurvīran* – “[a preceptor or instructor who has dismissed his pupil] should not turn into a fierce lion; neither should [the monks] avail themselves of arrange-

### VIII. *Pakāsaṇṭya-kamma* (n.), “procedure of proclamation”

1. This disciplinary procedure is said, in the *Samgha-bheda-kkhandhaka* of the Cullavagga (Vin II 189,5–90,9), to have been prescribed by the Buddha for the monk Devadatta, who was plotting to take over the leadership of the monastic community. The chapter was to decide, by a twofold procedure,<sup>1</sup> to proclaim officially to all the people around that the Saṃgha would not endorse Devadatta’s actions and statements any more; they were then, by the same type of procedure, to appoint (*sammannitum*) a monk to go and make the proclamation in the following terms: “Devadatta’s character is no more what it used to be; none of his actions and statements should be considered as having anything to do with either the Buddha, the doctrine, or the monastic community, but with himself alone”.<sup>2</sup>

ments entailing distress” (on *kriyā-kāraṃ kṛ*-, “to make an ordinance”, see Schopen, “Ritual murder” 589 n. 45; SVTT I 82 n. 17). In Thv(M) texts, such warnings against ill-treatment are issued as part of the *daṇḍa-kamma* particulars (see above, § 2).

<sup>1</sup>See SVTT I 83–84, § 3c; DEBMT s.v. erroneously makes it a *ñatticatuttha-kamma*.

<sup>2</sup>*Pubbe Devadattassa aññā pakati ahoṣi, idāni aññā pakati; yaṃ Devadatto kareyya kāyena vācāya na tena Buddho vā dhammo vā saṃgho vā daṭṭhabbo; Devadatto ’va tena daṭṭhabbo* (Vin II 189,7–10). Mukherjee, *Devadatta* 51, rightly stresses that Devadatta did not thereby lose his status as monk.

The first two chapters of the Cullavagga, where disciplinary procedures are dealt with systematically,<sup>3</sup> do not mention this one. Nor is it referred to in other Thv(M) canonical texts,<sup>4</sup> or commented upon by Sp, Vjb, Vmv or Sp-ṭ. Sp mentions it only twice: at 1396.26, as one of the eight kinds of procedure that may be performed in the absence (*a-sammukhā*) of the person who is its object;<sup>5</sup> and at 1412.32 (*akitti-pakāsanīya-k°*, “proclamation of ill-repute”), among disciplinary procedures said to be feared in this life.

As shown by Mukherjee and by Waldschmidt,<sup>6</sup> this procedure *ad hominem* is also mentioned in the Chinese Dh and

<sup>3</sup>For those of *tajjanīya*, etc., see above, SVTT IV; for *mānatta* and *parivāsa*, see SVTT III.

<sup>4</sup>A passing mention of the *pakāsanīya-kamma* said to have been carried out against Devadatta occurs at Dh-p-a I 140.3-4, with the variants *pabbājaka-°*, *pabbājakā-pakāsanīya-kamma*, “proclamation about a rejected [monk]” (?).

<sup>5</sup>Cf. SVTT II 100 n. 30. According to Freiburger, “Br-Strafe” 481, 490 and n. 99, the only reason for the inclusion of *pakāsanīya-k°* in such a list is the tendency to include systematically within the frame of monastic law penalties that were isolated in the Buddha’s time; the case, Freiburger argues, would not arise again after the Buddha’s death, in the absence of any appointed Saṃgha-leader whose position might be cancelled by plotting. However, as pointed out by v.Hi., “Bemerkung”, such a situation was bound to recur in any event after the Buddha’s death, so that the procedure, although originally *ad hominem*, was to find general application. The question remains why it is not listed in Thv(M) canonical texts as a standard procedure (because it was framed later than the first two chapters of the Cullavagga?). On the similar problems raised by *brahma-daṇḍa*, see below, SVTT X, §§ I, 2a-c.

<sup>6</sup>DevEp (= Wsch., KISchr 201-209); Mukherjee, *Devadatta* 43, 50-54, 96-97, 140 (who points out that the Thv(M) and Mś versions are the more coherent, and that the former might be the older); cf. Frauwallner, *Earliest Vinaya* 119. A. Bareau, “Les agissements de Devadatta selon les chapitres relatifs au schisme dans les divers *Vinaya-piṭaka*”, BEFEO LXXVIII (1991), 87-132 (= Bareau, *Recherches* III 221-266), is hardly helpful.

Chinese Mś Vinayas, though not in the Skt/Chinese Sa or the Chinese Mū.<sup>7</sup>

No BHS parallel has been traced so far in this precise context (see below, § 2); as for Skt, as far as we know, the only one is *prakāśayati*, DevEp 553 (= Wsch., KISchr 202), v° 6, v° 10.

2. The BHS term *prakāśanā-sammuti* (f.), “formal agreement to proclamation”, occurs at PrMoSū(Mā-L) 19.20, in the text of the 8th [bhu] Pāc., which makes it an offence for a monk or nun to inform (*ārocayati*; Skt *id.*; Pāli *āroceti*) anyone unordained about the major offence (*duṣṭhullā āpatti*, i.e., in this case, a Saṃgh.) committed by another, unless there is a formal agreement allowing them to do so.<sup>8</sup>

Although the object of the exception provided for in this rule is *prima facie* very similar to that of the procedure of proclamation described above, there are important technical differences in the application of each. Formally, the agreement prescribed in the Pāc. rule is to be achieved, according to Thv(M) post-canonical texts, by three successive procedures of formal consultation (*apalokanā*),<sup>9</sup> unlike the *pakāsanīya-kamma*, which involves two successive, twofold procedures. Penally, the latter consists in publicly disclaiming the community’s responsibility for whatever a monk may

<sup>7</sup>Where one monk (Ānanda) is simply requested by the Buddha to go and proceed to the proclamation; the Skt Mū parallel occurs at Saṅghabh II 90.5-14.

<sup>8</sup>Thv(M) Pāc. n°9 [bhu], Vin IV 30.24-32.19 with Kkh 86.28-87.8, Sp 753.5-54.29 (ChinSp 450 [72]); n° 105 [bhi]. – Cf. UpāliPr(SR) 62, n° 8; Guṇ-VinSū 37.27-28. – Conc.: BhīPr 57, table IV.1, s.v. *duṣṭhulārocanaṃ*. – The BHS term is represented in Pāli by *bhikkhu-sammuti* (Vin IV 31.13-14\*\*), “agreement by the monks”; in Skt, by *saṃgha-sammati*, ([Sa] Finot 504.2-3; PrMoSū 275 [IN, v° 2; IO, r° 3]), or °-*saṃvṛti*, “agreement by the chapter” ([Sa] PrMoSū 198 [CGd, v° 5] [cf. *saṃgha-saṃ+++*, PrMoSū 48 (AScc, v° 4)]; [Mū] PrMoSū(Mū)<sub>2</sub> 25.8 [so read: see KP, *Sīmā* 369 and n. 18]).

<sup>9</sup>Kkh 86.30-33, Sp 754.10; see SVTT I 80-81, § 3a.

do in general, whereas the agreement provided for in the Pāc. rule concerns, and is explicitly restricted to, a specific number of unordained people, and a specific number of precise facts and offences.<sup>10</sup>

In the absence of any Mā-L commentary in an Indian language, it cannot be decided here whether *prakāśana-s*<sup>o</sup> refers to the procedure of agreement mentioned in the Pāli and Skt versions of the same Pāc. rule, or to the procedure of proclamation known in Pāli as *pakāsanīya-kamma*.<sup>11</sup> In the latter case, we would have to assume that the Mā-L tradition combines two penalties which are kept apart in the Thv(M) and Sa traditions.

3. In Thv(M) texts, there is only one canonical indication that *pakāsanīya-kamma* might perhaps have been resorted to in circumstances other than Devadatta's misdoings. It occurs in an equally exceptional context: that of the controversy said to have taken place in Vesālī, one century after the Buddha's death, about ten points of monastic discipline.<sup>12</sup> Vin II 298,16–20 reports that the Vesālī monks decided to carry out a procedure of (unspecified) suspension (*ukkhepanīya-kamma*) against a visiting monk because “he proclaimed [their wrong practices] to laymen without being formally appointed” to do so (*a-sammato gihīnaṃ pakāsesi*).

Here again, it is impossible to decide which (if any) of the two prescriptions *pakāseti* refers to.<sup>13</sup> The reported

<sup>10</sup>*Vatthu*, the facts upon which a charge is based; *āpatti*, an offence identified by a key-word referring to the Pātimokkha and belonging therefore, *stricto sensu*, to the jurisdiction governing fully ordained persons (see above, SVTT VII n. 6). On the particular provisions of this rule, see SVTT III 133 n. 48 (to which may be added the Chinese Sa parallel summarized in VinVibh(R) 134).

<sup>11</sup>As suggested by the ambiguous remarks of Nolot, “Règles” 192 n. 9.

<sup>12</sup>See SVTT II 102–106, § 2 b.ii for further references

<sup>13</sup>Sp and Vjb are silent on this sentence. BD V xi suggests that *pakāseti* might have here “at least a semi-technical sense”.

speech of the monk to laymen (Vin II 295,14–98,2) in no way corresponds either to the formula prescribed for *pakāsanīya-kamma* (see above, n. 2)<sup>14</sup> or to the Pāc. rule's definition of (un)lawful information about another monk's offence (references as above, n. 10). The closest it comes to Vinaya technicalities is its formulation of the circumstances in which the Buddha is reported to have framed each Pātim rule, which mentions what constitutes the offence, but not the latter's name;<sup>15</sup> this formulation actually anticipates the discussion of wrong practices by a committee (of monks, *i.e.*, a strictly internal matter, which also involves naming the offence entailed).<sup>16</sup>

<sup>14</sup>If *pakāseti* does refer to this procedure, and if the proclamation formula was meant to be a fixed one, to be adhered to in all cases for the procedure to be valid — both of which are all but certain — the monk's proclamation in Vesālī would have been doubly invalid: he was not duly agreed as a proclaimer, and he did not use the prescribed formula.

<sup>15</sup>*Ekam idaṃ āvuso samayaṃ Bhagavā tatth' eva Rājagahe āyasmantaṃ Upanandaṃ Sakya-puttaṃ ārabha jātarūpa-rajataṃ paṭikkhipi sikkhā-padañ ca paññāpesi* (Vin II 297,34–37) — which *does not*, in front of laymen, name the offence (*āpatti*) itself (see next n.).

<sup>16</sup>Vin II 306,14–307,25, which names (see preceding n.) the offence entailed by each wrong practice discussed (*e.g.*, 307,24–25 *kiṃ āpa-jjati? jātarūpa-rajata-paṭiggahaṇe pācittiyaṃ ti*). Cf. the formulation of Kkh *passim* (*e.g.*, 72,17–18 *Rājagahe Upanandaṃ ārabha rūpiya-paṭiggahaṇa-vatthusmiṃ paññattaṃ*).



IX. *Patta-nikkujjanā°-ukkujjanā* (n. f.), “turning down/up the alms-bowls”

1. These two procedures are described in the *Khuddaka-vatthu-kkhandhaka* of the Cullavagga (Vin II 124,14–27,12 with Sp 1209,5–11). The first consists in a decision to refuse the gifts of lay donors<sup>1</sup> who stand in the way of the monks’ welfare; who abuse them; who foster quarrels among them;<sup>2</sup> or who speak ill of the Buddha, the doctrine, or the monastic community; these grounds are the same as those on which the symmetrical procedure of “summons to be reconciled” (*paṭisāraṇīya-kamma*) may be carried out against a monk who has offended a lay donor.<sup>3</sup>

This decision is to be carried out by a twofold procedure, in the absence (*a-sammukhā*) of the layman concerned;<sup>4</sup> from now on, the latter’s gifts are “not to be partaken of by

<sup>1</sup>This is expressed by *pattaṃ nikkujjeti/ukkujjeti*, “to turn one’s bowl down/up” against, or in respect of (so SBE XX 119f.), a lay donor whose name stands in the gen. case (see v.Hi., “Kasussyntax”, § 242; CPD s.v. *ukkujjati*); BD V 173 and n. 1 are inaccurate. – According to the *nidāna*, this procedure was prescribed after a layman had complied with the request of wicked monks to make a false charge against another monk of raping his wife; this *nidāna* is, *mutatis mutandis*, identical with the account of how the expulsion (*nāsanā*) of the nun Mettiyā was prescribed, after she had charged a monk with raping her (Vin II 124,15–25,12 ≠ Vin II 78,25–79,20; cf. above, SVTT VI, § 5).

<sup>2</sup>These grounds are, *mutatis mutandis*, the same as those on which a “punishment” (*daṇḍa-kamma*) is to be inflicted on novices (Vin II 125,16–19 = I 84,11–13; see above, SVTT VII, § 2).

<sup>3</sup>Vin II 125,15–22 (≠ A IV 344,24–45,7 with Mp IV 159,23–60,3) ≠ 18,33–19,4; see above, SVTT IV, §§ 2 and 5b [c].

<sup>4</sup>See SVTT I 83–84, § 3c; SVTT II 100 n. 30. — Unlike the Thv(M) prescriptions, those of the Skt and Chinese Sa *Kṣudraka-vastu* explicitly state that a monk is to go and inform the sentenced layman of the chapter’s decision (SHT(VI) 69 [1295, v° 1 f.]; see *ib.* 70).

the monastic community” any longer (*a-sambhogam saṃghena*). According to Sp 1209,5–9, this procedure may be performed either within the monastery’s boundary (*śīmā*) or outside it, e.g., on a river;<sup>5</sup> the decision to refuse the layman’s pious gifts (*deyya-dhamma*, that is, merit-making ones) should be communicated to and followed by all neighbouring monastic residences.

2. If the offending layman acknowledges his fault, the penalty may be cancelled by the reverse twofold procedure of “turning up the bowls” (Vin II 126,30–27,12 [126,22–30 ≠ A IV 245,8–16]). After he has approached the chapter in a humble, submissive way and made a threefold application for the purpose, he is, according to Sp 1209,9–11, to step back by one cubit (so that he is considered as absent [*a-sammukhā*] from the procedure, which his presence would invalidate).<sup>6</sup>

In Kkh and Sp, the procedure of boycott and its cancellation are considered respectively as a kind of dismissal (*nissāraṇā*) and reinstatement (*osāraṇā*).<sup>7</sup>

**BHS** *pātra-nikubjana*, n.: Abhis-Dh(Mā-L) 13.B.6,6. – °-*nikubjanā*, f.: Prakīrṇ(Mā-L) 330,14.

**Skt** *ava-kumcayati*, “turns [the bowl] down”: (unidentified school) SHT(V) 55 (1064+1065, a, A 2f.). – *ava-kumcana*, n.: *ib.*, c, A 1.

*ni-kumjayati*: (Sa) SHT(VI) 69 (1295, r° 1).

<sup>5</sup>That is, inside a temporary, “unfixed” (*a-sammata*, *a-baddha*) boundary, determined by sprinkling water around (*udak’ ukkhepa-śīmā*; see KP, *Śīmā*, 85–86, 142–143, 334–353; cf. 417).

<sup>6</sup>*Ukkujjana-kāle pana yāva-tatiyaṃ yācāpetvā hattha-pāsaṃ vijahāpetvā ñattidutiya-kammena ukkujjitabbo*. On *hattha-pāsa*, the minimum distance (ca. 1,10 m) to be respected by people who should not participate in a procedure, see KP, *Śīmā* 55, 87 n. 150, 194–195, 241–242, 264 n. 357. – For the provisions of the Chinese *Upāliparipṛcchā* (with a fragmentary Skt parallel) about where the officiating monks should stand, see SHT(V) 54–56, 54 n. 4.

<sup>7</sup>See above, SVTT V, § 5 and n. 13.

*nikubjayati*: (Mū) Guṇ-VinSū 103,21, 24; *nikubjitatva*: 103,24.

*pātra-nikubjana*, n. : (Mū) Mvy 9252.

### X. *Brahma-daṇḍa* (m.), “maximal punishment”

1. The literal sense of this term, “Brahma-punishment”, sheds no light on its application in Buddhist monastic law; it is rendered here by “maximal punishment” on the basis of the only, late gloss I have been able to trace so far, that of Vmv.<sup>1</sup>

Like the penalties of *pakāsanīya-kamma*, “procedure of proclamation”, and *patta-nikkujjanā*/<sup>o</sup>-*ukkujjanā*, “turning down/up the alms-bowls” against a lay donor,<sup>2</sup> *brahma-daṇḍa* is not included in the first two chapters of the Cullavagga, where disciplinary procedures are dealt with systematically.<sup>3</sup> Besides, it shares with *pakāsanīya-k*<sup>o</sup> the characteristic of having being prescribed *ad hominem*, finding general application in commentarial literature only.<sup>4</sup>

<sup>1</sup> See below, § 2c. Other translations are listed by Freiburger, “Br-Strafe” 474.

<sup>2</sup> See above, respectively SVTT VIII and IX.

<sup>3</sup> References as above, SVTT VIII n. 3.

<sup>4</sup> See above, SVTT VIII n. 5.

The only detailed, canonical Thv(M) account of its prescription and consequences occurs in the *Pañcasatika-kkhandhaka* of the Cullavagga (Vin II 290,9–21, 292,5–29), among various instructions reportedly given by the Buddha, just before his death, to Ānanda. A short account of how it was prescribed occurs in the *Mahāparinibbāna-suttanta* (D II 154,18–22).<sup>5</sup> A comparative study of the Chinese parallels to the Pāli *suttanta* is given in ÜLB I 166–68, II 244 (cf. Bareau, *Recherches* II.ii, 132–35); those of the Mū school are quoted (Skt and Tib. versions) and translated (Chinese version) in MPS 284–85; the Chinese Mś Vinaya parallel to the Cullavagga is translated in Przyluski, *Rājagrha* 161–62, 166–68 (cf. Bareau, *Conciles* 25f.).<sup>6</sup>

Apart from MPS 284–285 (29.15, mostly reconstructed from the Tib. version), no BHS or Skt parallels have been traced so far.

2a. According to the report attributed to Ānanda by the Cullavagga and the Dīgha-nikāya, *brahma-daṇḍa* was prescribed by the Buddha specifically for a monk named Channa, *in absentia* (*a-sammukhā*), and was to consist in a kind of ostracism to be imposed after the Buddha’s death. The punishment is said to have been expressed as follows: “Ānanda, Channa may say whatever he likes to the monks; they should neither talk to him, nor exhort him, nor instruct him”.<sup>7</sup> It is not connected here with any precise

<sup>5</sup> On these two versions, see Oldenberg, Vin I xxvii–xxviii; Oldenberg, “Buddhistische Studien”, ZDMG 52 (1898) 622 (= Old., KISchr II 898); Horner, BD V xvii–xviii. Cf. below, n. 15.

<sup>6</sup> These parallels are discussed briefly by Freiburger, “Br-Strafe” 482–83, 488 n. 95.

<sup>7</sup> *Channo Ānanda bhikkhū yaṃ iccheyya taṃ vadeyya, bhikkhūhi Channo bhikkhu n’ eva vattabbo na ovaditabbo nānusāsitaṃ* (Vin II 290,15–17). – According to Bareau, *Recherches* II.ii 133, the Chinese Ekottarāgāma (T.125) states that the offender should not speak to other monks either. – Chinese Mś does not attribute the prescription to the Buddha, but to Mahākāśyapa, and includes lay followers of both sexes in the

misbehaviour,<sup>8</sup> or any transgression of a Pātimokkha rule. Nor is any procedure prescribed, either for reaching a preliminary decision, or to inflict the penalty itself, or for carrying out its eventual cancellation.<sup>9</sup> The latter is said to have taken effect from the moment Channa became an Arahant, when he felt so ashamed that he immediately mended his ways and strived after spiritual progress (Vin II 292,14–29).

Now as remarked by v.Hi., “Schriftlichkeit”, 45, the prescription of a penalty *ad hominem* is quite unusual;

enforcement of the penalty (Przyluski, *Rājagṛha* 161–62). – A further provision occurs in the Chinese Ekottarāgama, according to which, if Channa would not submit to the penalty, he was to be sentenced by the chapter to some kind of dismissal: Bareau “l’expulser” might represent suspension (*ukkhepanīya-kamma*), which entails being debarred from participation in the Uposatha and the exposition of doctrine (see above, SVTT IV, § 8b), just as was to be the case with Channa according to T.125 (Bareau, *Recherches* II/ii 133; cf. *id.*, “La fin de la vie du Buddha selon l’Ekottara-āgama”, in *Hinduismus und Buddhismus, Festschrift für U. Schneider* [1987], 24 [= Bareau, *Recherches* III 378]). This would imply, however, that suspension is considered here as more severe than *brahma-daṇḍa*, contrary to Vmv’s much more likely implication (see below, § 2c). – On the connexion of a monk named Channa with *ukkhepanīya* in Thv(M) texts, see Freiburger, “Br-Strafe” 467(4); cf. below, n. 14.

<sup>8</sup>Contrary to the Skt, Chinese and Tibetan versions, which mention quarrelsomeness and aggressiveness towards fellow monks (Freiburger, “Br-Strafe” 482–83).

<sup>9</sup>*Paṭipassaddhi*, said at Vin II 292,27–28 to have been asked for by Channa himself. – According to MPS 284(14–15), if the sentenced monk feels troubled (*saṃvigna*) and stops harassing his fellow monks, he should be made to hear the “Sermon to Kātyāyana”. As suggested by Waldschmidt (*ib.* n. 6), this refers to a parallel to the Buddha’s sermon to Kaccānagotta (S II 16,34–17,30), which is again recited by Ānanda to Channa at D III 134,3–35,23. Spk II 317,32–18,7 comments that Channa (identified there with the lifelong friend of the Buddha who was to become a quarrelsome monk [cf. below, n. 14]) was then under the penalty of *brahma-daṇḍa* and became so troubled (*uppanna-saṃvegatā*) that he begged for exhortation.

moreover, v.Hi. argues, this one goes both against the 11th–12th Thv(M) [bhu] Saṃgh., in which monks are urged to exhort and advise those among them who behave improperly,<sup>10</sup> and against the 68th Thv(M) [bhu] Pāc., whose object is to dissuade monks from advocating wrong opinions as they please.<sup>11</sup> V.Hi., following a suggestion by K. Hoffmann, tentatively suggests that the original purpose of this penalty might have been quite different: to ostracize any monk acting as a spy (*channa*, “hidden”) — before the emergence of a powerful, centralized state made it dangerous to interfere with the activities of its secret agents; the prescription would have then fallen out of use, and the adjective would have been consciously reinterpreted as a proper name.

This hypothesis has been rejected with good reasons by Freiburger,<sup>12</sup> who considers *channa* to be a proper name, although he doubts which Channa, among the several ones mentioned in canonical Vinaya texts, is referred to here.<sup>13</sup> It seems to me, however, that in all known schools, both the latter texts and the commentarial literature agree, implicitly

<sup>10</sup>More precisely, exhorting a misbehaving monk to stop doing so is a characteristic feature of all the Pātimokkha rules which provide that the offence concerned is characterized as such after three informal, then formal admonitions (*yāva-tatiyaṃ samanubhāsanā*) from fellow monks (references as above, SVTT IV, first part of n. 107); this is expressed in the casuistic part of the canonical commentary by the clause *anāpatti asamanubhāsantassa/bhāsantiyā*, “there is no offence if one was not admonished” (Vin III 174,22 ff., IV 220,12, 295,9, etc.). If need be, the formal admonition may be carried out after the monk has been brought before the chapter by force (*ākaddhitvā*, Vin III 173,24–25, 176,10–11, 179,2–3, 185,23–24, etc.).

<sup>11</sup>More exactly, the enforcement of *brahma-daṇḍa* supersedes those two rules (cf. Freiburger, “Br-Strafe” 485–87).

<sup>12</sup>“Br-Strafe” 459–60 and n. 9, 473 n. 55, 490 n. 97.

<sup>13</sup>*Ib.* 463–74, 479–80, 487–89.

or explicitly, that the relevant reference is to the Channa who personifies fierceness and obstinacy.<sup>14</sup>

2b. As for Thv(M) canonical Vinaya texts, the only other, later mention of *brahma-daṇḍa*<sup>15</sup> is in the Parivāra (Vin V 222,23), which simply names it in a list of penalties to be imposed by a procedure of formal consultation (*apalokana-kamma*; see SVTT I 80–81, § 3 a).

This procedure, and its range of application, are not described in the Parivāra, but in Sp's commentary *ad loc.*,<sup>16</sup> according to which it was not just prescribed *ad hominem*, against Channa, but applies to any scurrilous monk who offends other monks by his unbecoming speech, or who

<sup>14</sup>The Cullavagga's account of *brahma-daṇḍa* is clear about Ānanda's reluctance to deal with him without the support of a whole posse of fellow monks (Vin II 290,19–21 *kathāhaṃ bhante Channassa bhikkhuno brahma-daṇḍaṃ ānāpemi, caṇḍo so bhikkhu pharuso ti. Tena h' āvuso Ānanda bahukehi bhikkhūhi saddhiṃ gacchāhi ti*). This quarrelsome Channa is also connected with the promulgation of the 12th Saṃgh. (refusing his fellow monks' advice), of the 12th Pāc. (equivocating about an offence [cf. below, TPāp, § A]), of the 54th Pāc. (off-handedness), of the 71st Pāc. (refusing to learn the Pātimokkha rules until he meets a Vinaya expert), and of suspension (*ukkhepanīya-kamma*) for refusing both to see and to redress his offences (see above, SVTT IV, § 2, § 8a–d). Last but not least, he was “so perverse and so lacking in proper *esprit de corps*” (DPPN I, 924) that he went so far as to side with nuns in a debate (Vin II 88,8–14, wrongly alleged by DPPN *ib.* to be the very reason why *brahma-daṇḍa* was imposed on him). Whether or not this emblematic character has any historical basis, he was certainly perceived as prone to raise quarrels and strife that might lead to a split in the Order (*saṃgha-bheda*), contrary to Bareau's assumptions (*Recherches* II.ii, 134).

<sup>15</sup>As suggested by KP 1994, 218 n. 23, the (earlier) accounts of both D and the Cullavagga must in their turn be later than the first two chapters of the latter text, where, as remarked above, § 1, *brahma-daṇḍa* is not listed among the set of standard procedures.

<sup>16</sup>Sp 1403,14–404,1; cf. Kkh 131,35–32,3. According to Sp 1396,25, it is performed in the absence of the person concerned (*a-sammukhā*; see SVTT II 100 n. 30).

scoffs and jeers at them.<sup>17</sup> The penalty entailed is defined in the same terms as those attributed to the Buddha in the Cullavagga;<sup>18</sup> it may be cancelled by the same type of procedure, provided the sentenced monk behaves humbly, obediently, modestly, and considerately and is determined to improve in the future.<sup>19</sup>

2c. The inclusion of *brahma-daṇḍa* into the regular code of Buddhist law is carried still further by Vmv II 316,16–17,5 (*ad* Sp 1403,18),<sup>20</sup> where it is insistently compared and

<sup>17</sup>*Yo añño pi bhikkhu mukharo hoti bhikkhuṃ durutta-vacanehi ghaṭṭento khumseto vambhento viharati, tassa pi dātabbo* (Sp 1403,16–18). *Khumseti vambheti* also occurs in the *nidāna* of the second Pāc. (Vin IV 4,33), which involves the group of six bad monks and deals with verbal abuse (*omāsa-vāda*) (cf. below, § 3c and n. 30).

<sup>18</sup>*So bhikkhu yaṃ iccheyya taṃ vadeyya, taṃ bhikkhūhi itthan-nāmo bhikkhu n' eva vattabbo na ovaditabbo na anusāsitabbo* (Sp 1403,21–23; cf. above, n. 7).

<sup>19</sup>*So bhikkhu sorato nivāta-vatti lajjī-dhammaṃ okkanto hirottape paṭiṭṭhito paṭisaṅkhā āyatim saṃvare tiṭṭhati* (Sp 1403,30–32).

<sup>20</sup>*Tassāpi dātabbo ti* [Sp 1403,18] *vijjamānaṃ mukharādi-bhāvaṃ nissāya a-ppaṭipucchitvāpi paṭiññaṃ a-ggahetvāpi āpattim an-āropetvāpi desitāya pi āpattiyā khumsanādito anoramantassa dātabbo 'va. Oramantassa pana khamāpentassa na dātabbo. Brahma-daṇḍassa dānaṃ ti* [Sp 1403,24] *khara-daṇḍassa ukkaṭṭha-daṇḍassa dānaṃ. Tajjanīyādi-kamme hi kate ovādānusāsani-ppadāna-paṭikkhepo n' atthi; dinna-brahmaṇḍe pana tasmim saddhiṃ tajjanīyādi-kammakatehi paṭikkhittam pi kātum na vaṭṭati. N' eva vattabbo ti* [Sp 1403,22–23] *ādinā ālāpa-sallāpādi-mattassāpi na-kārena paṭikkhittattā. Tañ hi disvā bhikkhū gīvaṃ parivattetvā olokana-mattam pi na karonti. Evaṃ vivajjetabbaṃ nimmadana-karaṇattham eva tassa daṇḍassa anuññāta-ttā. Ten' eva Channa-itthero pi ukkhepanīyādi-kammakato pi a-bhāyitvā brahma-daṇḍe dinne saṃghenāhaṃ sabbatthā vivajjito ti mucchito papati. Yo pana brahmaṇḍa-katena saddhiṃ ṇatvā saṃsaṭṭho a-vivajjetvā viharati tassa dukkaṭam evā ti gahetabbaṃ aññathā brahma-daṇḍa-vidhānassa nirattha-katāpasaṅgato. Tenā ti brahmaṇḍa-katena. Yathā tajjanīyādi-kammakatehi, evam eva tato adhikam pi saṃghaṃ ārādhentena sammā-vattitabbaṃ. Tañ ca sorato nivāta-vuttīti*

contrasted with the disciplinary procedures studied above in SVTT IV:

“It applies to him also” means that it applies, in case of actual garrulousness and so on — without even due inquiry [about the case], without even acknowledgement [of his offence by the accused], without even [formal] charge, even if he did confess his offence<sup>21</sup> — to [a monk] who does not desist from scoffing. It does not apply, however, if he desists and asks for forgiveness. “Application of *brahma-daṇḍa*” means “application of severe punishment, of maximal punishment”. For whereas imparting exhortation and teaching [to a monk] is allowed if [he] has been sentenced to blame (*tajjanīya-kamma*), etc., doing so for one who was sentenced to *brahma-daṇḍa* is even forbidden to those who have been sentenced to blame, etc. “He should just not be talked to”, and so on : the negation expresses the fact that no conversation or talk whatsoever are allowed : seeing him, monks turn their heads away and do not even look [at him]. Thus should one shun [him], because this punishment was prescribed for the very purpose of subduing. This is precisely why, when Thera Channa, who did not even fear being sentenced to suspension,<sup>22</sup> etc., was sentenced to *brahma-daṇḍa*, he fell into a swoon at the thought that he was to be shunned in every way by the Saṃgha. And should a monk, instead of shunning a monk sentenced to *brahma-daṇḍa*, keep in touch with him knowingly, he should be made to acknowledge an offence of wrong-doing — otherwise, there would be no point in the provision for *brahma-daṇḍa*. “By him”<sup>23</sup> means “by the one who was sentenced to *brahma-daṇḍa*”. Like those who were sentenced to blame, etc., and to an even greater extent, he should observe [the penalty] correctly<sup>24</sup> by conciliating the Saṃgha, which is identically expressed by “humble, obedient”, etc. It is said therefore that *brahma-daṇḍa* may be cancelled for the one who observes [the penalty] correctly and asks for forgiveness.

[Sp 1403,31–32] *ādinā sa-rūpato dassitam eva. Tenāha sammā-vattitvā khamāpentassa brahma-daṇḍo paṭippassambhetabbo ti* [Sp 1403,27–28].

<sup>21</sup>See above, SVTT IV n. 28.

<sup>22</sup>Cf. above, n. 14.

<sup>23</sup>I cannot trace *tena* here, either in Vin or in Sp.

<sup>24</sup>On (*na*) *sammā-vattati*, see above, SVTT V n. 35.

3a. Three hypotheses have been set forth recently as to the etymology and interpretation of the term *brahma-daṇḍa*.

Freiberger, “Br-Strafe”, 489–90, implicitly taking the compound as a *tatpuruṣa* with the first member in the dative, would ascribe to this first member a specifically Buddhist metaphorical sense: on the grounds that, in Buddhist texts, *brahma-*<sup>o</sup> always connotes purity and spiritual progress, and that the imposition of *brahma-daṇḍa* is said at Vin II 292,16–24 to have enabled the monk sentenced to it to reach Arahatship, this author suggests to interpret the compound as “punishment [that leads to] the highest (*i.e.*, to Nibbāna)”.

As far as interpretation is concerned, however, it seems to me more likely that the compound is a *karmadhāraya*, to be taken here as a metaphorical application of its brahmanical meaning: “brahmin’s force”, “brahmin’s curse”<sup>25</sup> — *i.e.*, a punishment to be feared in some way; that the Buddhist penalty was felt to be very severe may in fact be inferred from the canonical report that when he was informed he had been sentenced to it by the Buddha, the monk said he was as good as dead (*hata*), and swooned right on the spot<sup>26</sup>. This severity is, again, strongly stressed by the gloss of the term, at Vmv II 316,20: *khara-daṇḍa*, *ukkaṭṭha-daṇḍa*, “severe, maximal punishment” (see above, § 2 c).

3b. Relying on the latter interpretation, and following Rhys Davids-Oldenberg (SBE XX.III, 335 n. 2), KP 1994, 218 n. 24 suggests that this “higher punishment” forms a contrasting pair with *daṇḍa-kamma*, “[lower] punishment”. However, as argued by Freiberger, “Br-Strafe”, 476 n. 66, assuming such a contrast is arbitrary: the gap between the relative mildness of *daṇḍa-kamma* and the severity of

<sup>25</sup>References in Freiberger, “Br-Strafe”, 474 n. 56.

<sup>26</sup>Vin II 292,13–16. On this “social death” (Freiberger, “Br-Strafe” 477–78, 489 and n. 96), cf. Dh-a II 110,20–12,6 ; Spk II 317,34–18,7 ; Th-a I 166,9–10.

*brahma-daṇḍa* is so wide that any other penalty standing between the two might be said to contrast with either.

Furthermore, as far as I can see, no textual evidence supports KP's hypothesis: Sp's systematization of the application of *brahma-daṇḍa*<sup>27</sup> does not connect it with any Pātimomkkha rule or Vinaya procedure, and its formulaic description of the sentenced monk's expected behaviour differs from the one that belongs to standard disciplinary procedures.<sup>28</sup> The only source that refers to the set of seven such procedures studied above in SVTT IV is the late Vmv (see above, § 2c). In any case, *brahma-daṇḍa* is nowhere connected with *daṇḍa-kamma*.

3c. Freiburger's hypothesis has been criticized on grammatical grounds by v.Hi., "Bemerkung": a °-*daṇḍa* compound with first member in the dative is unknown in Skt and MI; v.Hi. then suggests that *brahma-°* might hide an Eastern MI \**vam(b)ha* < *vam(b)heti*, "disparaging, scoffing". Although this is precisely the ground on which, according to Sp<sup>29</sup>, *brahma-daṇḍa* is to be imposed, the first member cannot, v.Hi. argues, be in the ablative ("penalty for disparagement"), but has to be in the instr., as in *vadha-daṇḍa*, "death penalty": \**vam(b)ha-daṇḍa* would therefore mean "penalty of disparagement" by regular monks of the monk thus sentenced.

It should be noted, however, that in Vin and Sp, *vambheti* and related forms denote exclusively *verbal* contempt<sup>30</sup>. This contradicts the specifications of *brahma-daṇḍa*

<sup>27</sup>See above, § 2 b.

<sup>28</sup>Compare Sp 1403,30–32, quoted above, n. 18, with Vin II 5,18–19ff., quoted above, SVTT IV n. 32.

<sup>29</sup>See above, § 2 b and n. 16.

<sup>30</sup>Insulting speech (*omasa-vāda*), dealt with in the Thv(M) second [bhu] Pāc., is said to consist in "scoffing and disparaging" (*khumsanā vambhanā*, Vin IV 6,1–2 ; cf. *ib.* 4,29–33f. ; 7,24–25f.).

as we have them,<sup>31</sup> unless we speculate (groundlessly)<sup>32</sup> that the term expresses no more than the necessity of some "major" punishment or other (just as *daṇḍa-kamma* expresses the necessity of a "minor" one) whose particulars are then to be defined according to each case.<sup>33</sup>

The only, very faint evidence supporting v.Hi.'s hypothesis is Vin IV 113,19–21,<sup>34</sup> which reports how "our" Channa, when spoken to about Vinaya prescriptions by a fellow monk, showed him no respect toward because, he said, "this monk has been suspended (*ukkhittako*) or disparaged (*vambhito*) or blamed (*garahito*)". Now *ukkhittaka* is a technical term, and *garahita* calls to mind the (Sa-)Mū equivalents (*nigarhaṇa/°nīya*, *vigarhaṇīya*) of the Pāli technical term *nissaya-kamma*:<sup>35</sup> it might be inferred that in this context, *vambhita* too has some technical character. As far as I can see, (sub-)commentaries do not deal with this passage. Nor do they comment on Vin IV 128,3–4' which, although inconclusive, suggests that "disparagement" may sometimes be imposed (whether informally or by implication of a technical penalty, we do not know) by regular monks on an offender: if the monks are informed that one of them has committed a Pār. or a Saṃgh., they will reprove him

<sup>31</sup>See above, § 2 a.

<sup>32</sup>See above, § 3 b.

<sup>33</sup>It is not clear, however, from Vin II 290,12–15 whether the necessity of a further, more precise definition (*katamo pana bhante brahma-daṇḍo ti* ; cf. above, SVTT VII, § 1 and n. 3) is due to alternative modes of application of *brahma-daṇḍa* or to the altogether innovative character of the penalty.

<sup>34</sup>54th Pāc. ; cf. above, n. 14.

<sup>35</sup>Cf. v.Hi., *Mündlichkeit*, 27–28. At Sp 739,11–13, *maṅku-kattukāmo*, "intending to humiliate [a regular monk]" (Vin IV 7,24–25) is glossed by *garahitu-kattukāmo nittejaṃ k°*, "intending to blame, intending to put to shame". *Nitteja* again calls to mind *niy(y)as(s)a*, "disrepute", v.l. for *nissaya(-kamma)* (see above, SVTT IV, respectively § 1, § 1.11, and n. 8 ).



(*codessanti*) about his offence, remind (*sāressanti*) him of it, revile (*khumsessanti*) him, disparage (*vambhessanti*) him, and put him to shame (*maṅkuṃ karessanti*). Here again, *vambheti* stands beside two technical terms,<sup>36</sup> although the stock phrase *khumseti vambheti maṅkuṃ karoti* to which it belongs is not known to have any precise technical meaning.<sup>37</sup>

<sup>36</sup>*Codeti, sāreti* (see SVTT III 121 n. 16).

<sup>37</sup>Cf. v.Hi., *Mündlichkeit*, 27–28 (he does not deal with *maṅkuṃ karoti* as the third element).

# APPENDIX I (TPāp)

This appendix supersedes SVTT II 110, § 2c(iv), which provided all too brief, and partly inaccurate details about the settlement of “formal disputes about censure” (*anuvādādhi-karaṇa*) by a verdict of “obstinate wrongness” (*tassa-pāpiyyasikā*).<sup>1</sup> Research for SVTT IV–VI showed that this verdict is closely connected (exactly how is far from clear to me at the moment) with the sevenfold set of disciplinary procedures and the related technical terminology dealt with above, respectively in SVTT IV and V–VI.

A. According to the *Samatha-kkhandhaka* of the Cullavagga, disputes about censure are to be settled by a verdict of obstinate wrongness (*tassa-pāpiyyasikā*) if a convicted offender tries to equivocate about the (Pār.) offence committed when questioned about it before the chapter.<sup>2</sup> As Dutt, EBM 134, rightly points out, this is one of the grounds that differentiate it from the penalty of blame (*tajjanīya*): the latter concerns offences (other than Pār.) committed *before* the guilty monk is summoned before the chapter to account for these very offences. Dutt’s remarks about blame apply to other procedures as well (see below, § B).

<sup>1</sup>Commentarial and sub-commentarial literature read, almost constantly, °-*pāpiyasikā*; the canonical reading -yy- will be used here throughout.

<sup>2</sup>*Samgha-majjhe āpattiya anuyuññiyamāno avajānītvā paṭijānāti paṭijānītvā avajānāti aññena aññaṃ paṭicarati sampajāna-musā bhāsati* (Vin II 85,15–17); *bhikkhu bhikkhuṃ samgha-majjhe garukāya āpattiya codeti* (Vin II 101,8–9). Contrary to what is stated by Hüsken, “Nāsanā”, 98 n. 18, *paṭicchādeti* does not mean “he conceals (his offence)” but “he covers up what he did or said earlier by different actions or statements” (Mp IV 74,11–13 [ad A IV 168,25] *aññena kāraṇena vacanena vā aññaṃ kāraṇaṃ vacanaṃ vā paṭicchādeti* [= Sp 769,18 (ad Vin IV 35,28, 12th Pāc.), which adds *ajjhottharati*]); Kkh 89,29 (12th Pāc.) *aññena vacanena aññaṃ chādeti*; etc.

Vin II 85,15–17 occurs in a shorter form at Vin IV 35,26–29,<sup>3</sup> in the *nīdāna* of the 12th Thv(M) [bhu] Pāc. (Vin IV 36,5–14, 33–36). This Pāc. is incurred by any monk who is charged by the chapter, through two successive, twofold procedures, with evasive (*añña-vādakam*) and vexatious (*vihesaka*) answers to questions about his offence.<sup>4</sup> According to Sp 769,22–70,8 (*ad* Vin IV 35,28), the offence concerned in these questions might be a Pāc. or a Dukk. (Kkh 89,28: a *sāvasesā āpatti*, i.e., any one but a Pār.); this is what differentiates the 12th Pāc. from the verdict of obstinate wrongness, which applies to unscrupulous monks who give evasive answers to questions about either Pār. offences (i.e., *an-avasesā*; see SVTT II 112, n. 63) or offences bordering on the latter.<sup>5</sup>

B. A verdict of obstinate wrongness is valid only if the censured monk is actually misbehaving, unscrupulous, and fault-finding; only if he does eventually acknowledge, after

<sup>3</sup>Channo *anācāraṃ ācāritvā saṃgha-majjhe āpattiyā anuyuññiyamāno aññen' aññaṃ paṭicarati*. – About Channa, see above, SVTT X n. 14.

<sup>4</sup>The Pātim rule itself mentions no procedure; its very terse wording (*añña-vādake vihesake pācittiyam*, Vin IV 36,37\*\*) belongs to the earlier strata of the Pātim (cf. v.Hi., “Aṅgas” 131–32).

<sup>5</sup>*Pārājikam vā pārājika-sāmantam vā* (Vin II 101,10–11), that is, according to Sp 1199,1–3 and Ps IV 49,8–9, either a Dukk. (in connexion with the first Pār.) or a Thull. (in connexion with the second, third and fourth Pār.). Ps IV 49,3–10 (commenting on M II 247,30, which deals with another verdict, that of *sati-vinaya*) distinguishes between *āpatti-sāmanta*, “bordering on an offence [listed in the Pātim]”, and *khandha-sāmanta*, “[belonging to a class of offences] contiguous to the class [which precedes it in the list]”. This commentary is far from clear to me: the classes of offences listed there to explain *khandha-sāmanta* are not those of the Pātim list, contrary to the classes implicitly referred to in *āpatti-sāmanta*. Although the matter cannot be dealt with here, I am not sure whether Hüsken's assumption that *garukāpatti* refers here to a Saṃgh. is quite accurate (“Nāsanā” 101 n. 29, where “Ps IV 48,3–10” should read “49”).

due inquiry, the very offence he is charged with;<sup>6</sup> and only if the fourfold procedure (implying a fourfold *sammukhā-vinaya*) has been carried out according to the rules by a regular chapter.<sup>7</sup>

According to Sp 1193,17–18 (implicitly; see below, n. 16 and end of § C) and 1199,9–11 (explicitly),<sup>8</sup> if the sentenced monk observes the prescribed duties and restrictions (see below, § D), a cancellation (*paṭippassaddhi*) of the verdict may take place; if he does not, the verdict amounts to his expulsion (*nāsanā*).<sup>9</sup> As is the case with the other rules for settling disputes, a case thus settled may not be reopened.<sup>10</sup>

<sup>6</sup>Cf. SVTT II 112–14 n. 64.

<sup>7</sup>Vin II 101,5–102,10 with Sp 1199,1–11; II 85,15–86,30 with Sp 1193,12–20; Kkh 155,4–11 *ad* Vin IV 207,5 (in Kkh, line 5, read °-*sāmantena*; line 7, read *osāraṇam*) ≠ Ps IV 45,6–14 *ad* M II 249,1–31 ≠ Sv 1042,20–27 (with a confusing punctuation; cf. C° (SHB 1925) 762,32–38) *ad* D III 254,13.

<sup>8</sup>*Sace sīlavā bhavissati, vattaṃ pūretvā paṭippassaddhiṃ labhissati; no ce tathā nāsitako 'va bhavissati*. According to Vmv II 222,27–23,6, one might argue that no cancellation of the verdict by a procedure of restoration (*osāraṇā*) may take place, no matter how long the sentenced monk is rebuked; such a restoration is, accordingly, not mentioned in canonical Vinaya texts. It does, however, apply implicitly, by analogy with the canonical restoration of monks who were sentenced to any of the sevenfold set of procedures of blame (*tajjanīya*), etc., and who duly observe the penalty entailed (*kathaṃ pan' etaṃ paṭippassambhatīti. Keci pan' ettha so tathā niggahito niggahito 'va hoti osāraṇam na labhati; ten' eva pāḷiyam osāraṇā na vuttā ti vadanti. Aññe pana pāḷiyam na upasampādetabban ti* [Vin II 86,25] *ādinā sammā-vattanassa vuttattā sammā-vattitvā lajji-dhamme okkantassa osāraṇā avuttāpi tajjanīyādisu viya nayato kamma-vācam yojetvā osāraṇā kātabbā evā ti vadanti. Idam yuttam; ten' eva Aṭṭhakathāyam vakkhati sace sīlavā bhavissati, vattaṃ paripūretvā paṭippassaddhiṃ labhissati; no ce tato nāsitako 'va bhavissatīti*).

<sup>9</sup>Cf. above, SVTT VI, § 4. At Sv 1042,22–24 and parallels (references as above, n. 7), it is not *paṭippassaddhi*, but *osāraṇā*, that contrasts with *nāsanā* (in this very order; see above, SVTT V, § 7b and n. 36).

In (Mū) Adhik-v and Guṇ-VinSū, this verdict does not apply to disputes about censure, but, perhaps more logically,<sup>11</sup> to those about offences (see SVTT II 110, 114).

C. According to Vin II 86,19–23,<sup>12</sup> the verdict of obstinate wrongness is a disciplinary procedure which the chapter may

Sp's provision is perhaps to be connected with that of the Chinese Mā Vinaya (T. vol. 22 [misprinted "23" in Norman, CP III 213], p. 328b) according to which the chapter may threaten a monk to "expel him from the Order" by a vote if the latter does not submit to a verdict about the settlement of a dispute (Norman, "'Schism' Edict" 25 [= Norman, CP III 212–13]). The mention of ballots (*śalākā*) points to the settlement of a dispute caused by a controversy (not by censure, to which the Thv(M) verdict of obstinate wrongness applies) by a majority decision (Pāli *yebhuyyasikā*; see SVTT II 106–108, § 2b.iii), after settlement by a committee has failed (see *ib.* 102–106, § 2b.ii). The immediately preceding Chinese Mā provisions about such a committee (p. 328a according to Hōbōgirin V 437a,44–45, s.v. *Chū*) would seem to confirm this hypothesis.

<sup>10</sup>See SVTT II 93. This point is stated clearly by Vmv II 222,20–26: *sesam ettha tajjanīyādisu vutta-nayam evā ti* [Sp 1193,17–18] *etena tajjanīyādi-sattakammāni viya idam pi tassapāpiyasikā-kammam asucibhāvādi* [Vin II 86,2] *dosa-yuttassa saṃghassa ca vinicchaye a-tiṭṭhamānassa kattabbaṃ visuṃ ekaṃ niggaha-kamman ti dasseti. Etasmiṃ hi niggaha-kamme kate so puggalo ahaṃ suddho ti attano suddhiyā sādhanatthaṃ saṃgha-majjhaṃ otarituṃ saṃgho c' assa vinicchayaṃ dātuṃ na labhati. Taṃ kammakaraṇa-matten' eva ca taṃ adhikaraṇaṃ vūpasantaṃ hoti* – "Here, the rest is according to what is said about [the procedures of] blame, etc.": this means to explain that like the seven procedures of blame, etc., the verdict of obstinate wrongness is to be proceeded to, as one separate procedure of rebuke against a [monk] who is corrupted by impurity and so on, and who does not abide by the chapter's decision. After this procedure of rebuke has been carried out, this man may not say that he committed no offence and appear before the chapter to prove his point; neither may the chapter decide upon his case. And this dispute is definitively settled by the performance of this very procedure."

<sup>11</sup>Cf. Dutt, EBM 133 and n. 37.

<sup>12</sup>Truncated E° to be filled in with Vin II 4,17–5,3; complete text in B° (1972) 207,2–30.

choose (*ākaṅkhamāno*) to resort to (among others); the grounds for doing so are, besides the specific ones mentioned here in § A, exactly the same as those on which the procedures of blame (*tajjanīya*), etc., may be carried out.<sup>13</sup> This implies that *tassa-pāpiyyasikā* belongs to the same type of *quasi* interchangeable procedures as those dealt with in the *Kamma-kkhandhaka* of the Cullavagga. One may therefore wonder why it is not included in the latter chapter, but rather in the (*Adhikaraṇa*)-*Samatha-kkhandhaka*, notwithstanding Sp's statement that it applies to particularly obdurate monks;<sup>14</sup> the reason might be that, as pointed out above (first part of § A), the equivocation which constitutes the specific grounds for the offence arises during the chapter's official proceedings, and is therefore considered as a formal dispute (*adhikaraṇa*).

This would seem to imply that if, as required before any further proceedings,<sup>15</sup> a monk acknowledges a Pār. offence that he is charged with, it is left to the chapter to decide whether to expel (*nāsetuṃ*) him immediately, or to give him a second chance by pronouncing a verdict of obstinate wrongness.

D. According to Sp 1193,17–18 *sesam ettha tajjanīyādisu vuttanayam eva*,<sup>16</sup> the restrictions on the rights of a monk

<sup>13</sup>See above, SVTT IV, § § 6a–b.

<sup>14</sup>*Sesam ettha tajjanīyādisu vuttanayam eva. Ayam pan' ettha vacanattho. Idañ hi, yo pāp' ussannatāya pāpiyo puggalo, tassa kattabbato tassa-pāpiyasikā-kamman ti vuccati* (Sp 1193,17–20, ad Vin II 86,2).

<sup>15</sup>The only disciplinary procedure whatsoever that may be carried out without acknowledgement of his offence by a monk is said by sub-commentarial literature to be *brahma-daṇḍa* (see above, SVTT X, § 2c).

<sup>16</sup>Ad Vin II 86,25–28 (= B° (1972) 208,3–7) *na upasampādetabbam, na nissayo dātabbo, na sāmaṇero upaṭṭhāpetabbo, na bhikkhun' ovādaka-sammuti sādītābbā, sammatena pi bhikkhuniyo na ovaditābbā ... pe ... na bhikkhūhi sampayojetabbam*. The portion abridged by *pe* is apparently to be filled in with Vin II 5,9–15 (restrictions imposed by *tajjanīya*): *yāya āpattiyaṃ saṃghena [tassapāpiyyasikā-kammam kataṃ*

who has been sentenced according to a verdict of obstinate wrongness are the same as those applying for *tajjanīya*,<sup>17</sup> i.e., eighteen.

In the *Aṭṭhaka-nipāta* of the *Aṅguttara-nikāya*,<sup>18</sup> however, only eight restrictions are listed, the first five of which are identical both with the first five of the eighteenfold list, and with the first five (out of six) actually occurring at Vin II 86,23–27. The sixth restriction in A's list runs: "he should not accept the chapter's agreement [to his appointment to some office]"; the seventh, "he should not be raised to a special position", is equivalent to Vin II 5,13–14 (11th restriction) "he should not exercise authority";<sup>19</sup> the eighth is: "and he should not consider this [special position] as a reason to proceed to redress".<sup>20</sup>

*hoti sā āpatti na āpajjitabbā, aññā vā tādīsikā, tato vā pāpiṭṭhatārā, kammaṃ na garahitabbā, kammikā na garahitabbā, na pakatattassa bhikkhuno uposatho ṭhapetabbo, na pavāraṇā ṭhapetabbā, na savacanīyaṃ kātabbā, na anuvādo paṭṭhapetabbo, na okāso kāretabbo, na codetabbo, na sāretabbo.*

<sup>17</sup>See above, SVTT IV, § 5a.

<sup>18</sup>A IV 347,6–13, corresponding to Vin II 86,23–28.

<sup>19</sup>A IV 347,12 reads *na kismiñci pacceka-ṭṭhāne ṭhapetabbo*; Mp IV 160,13–15 comments: *pacceka-ṭṭhāne ti adhipati-ṭṭhāne jeṭṭhaka-ṭṭhāne; taṃ hi jeṭṭhakaṃ katvā kiñci saṃgha-kammaṃ kātuṃ na labhati*. Vin II 5,14–15 = 32,9 reads *na anuvādo paṭṭhapetabbo*; Sp comments: *na anuvādo ti vihāra-jeṭṭhakaṭṭhānaṃ na kātabbā* (1156,7–8), to which Sp 1163,15–17 adds *pātimokkh' uddesakena vā dhammajjhesakena vā na bhavitabbā; terasasu sammatīsu ekasammati-vasena pi issariya-kammaṃ na kātabbā* (the thirteen *sammatis* refer to the appointment of monks to various offices, by a formal agreement of the chapter; cf. Sp 1195,22–23).

<sup>20</sup>A IV 347,13 *na ca tena mūlena vuṭṭhāpetabbā*; Mp IV 160,16–17 comments: *taṃ mūlaṃ katvā abbhāna-kammaṃ kātuṃ na labhati*, "he may not consider this as a reason to carry out a procedure of re-admission [of another monk]" (*vuṭṭhāpeti* is therefore made by Mp to refer to the category of Saṃgh. offences; the latter, unlike the Pār. offences, allow redress [*vuṭṭhāna-gāminī*], and involve penalties, the end

In the *Aṭṭhaka-vagga* of the *Ekuttarakai* of the Parivāra, the number of restrictions entailed by this verdict is also said to be eight. According to Sp's commentary, however, these are not the same eight as those listed in A, but the "eight restrictions set forth in the *Samatha-kkhandhaka*: 'he should not cancel the participation of a regular monk in Uposatha or in Invitation', etc.";<sup>21</sup> that is, they are the last eight restrictions supposedly included in the list of Vin II 86,25–28, where they do not actually occur, however (except for the very last one), due to the abridgement of the text by *pe* (see above, n. 16).

The only authority for surmising that the list of Vin II 86,25–28 is eighteenfold is, therefore, Sp 1193,17–18, which does not, however, mention any figure; in this list, the first five restrictions are identical with the first five of A's eightfold list; eight others are referred to at Sp 1342,20–23. Apart from these discrepancies, we are left with five prescriptions from the list of eighteen occurring at Vin II 5,6–15 that may, or may not, lie in the *pe* gap of Vin II 86,27: from the sixth to tenth, from *yāya āpattiyā* to *kammikā na garahitabbā* (as above, n. 16). Although the matter cannot be investigated further here, it is perhaps worth noting that the Skt Mū parallels leave them out entirely, both in their own lists of restrictions<sup>22</sup> and in their provisions for restoration to

of which is marked by the sentenced monk's *abbhāna* [see SVTT III 133–34, § 6; and above, SVTT IV, § 4d and n. 31]).

<sup>21</sup>Vin V 137,11–12 *tassapāpiyyasikākamma-katena bhikkhunā aṭṭhasu dhammesu sammāvattitabbā* (cf. 137,23\* *aṭṭha-dhammesu vattanā*). Sp 1342,21–23 *na pakatattassa bhikkhuno uposatho ṭhapetabbo, na pavāraṇā ṭhapetabbā ti ādinā nayena Samatha-kkhandhake niddiṭṭhesu aṭṭhasu*.

<sup>22</sup>These lists are, for *tarjanīya*: *na pravrajayitavyam, nōpasampādayitavyam, na nīśrayo deyaḥ, na śramaṇoddeśa upasthāpayitavyaḥ, na bhikṣuṇy avavaditavyā, na bhikṣuṇy-avavādakāḥ sammantavyaḥ, nāpi pūrva-sammatena bhikṣuṇy avavaditavyā, na bhikṣuś codayitavyaḥ smārayitavyaḥ śīla-vipattiyā dṛṣṭi-v° ācāra-v° ājīva-vipattiyā sthāpayitavyaḥ,*

full monk status after undergoing the *tarjanīya* penalty (cf. above, SVTT IV n. 33).

## APPENDIX II

(see above, SVTT IV n. 47)

Vjb 507,9–508,9 ad Vin II 3,8–9, Sp 1155,16–17 (cf. Sp-† III 365,17–66,12)

*Kaṇha-pakkhe adesanā-gāminiyā āpattiyā kataṃ hotīti* [Vin II 3,8–9] *sukka-pakkhe desanā-gāminiyā āpattiyā kataṃ hotīti* [Vin II 3,38] *idaṃ dvayaṃ parato tīhi bhikkhave aṅgehi samannāgatassa bhikkhuno ākaṅkhamāno saṃgho tajjanīya-kammaṃ kareyya: adhisīle sīla-vipanno hotīti* [Vin II 4,17, 24] *iminā virujjhati; adesanā-gāminiṃ āpanno hi adhisīle sīla-vipanno hi vuccatīti. Yuttaṃ etaṃ; kattu adhippāyo ettha cintetabbo. Etthāha Upatissa-tthero tajjanīyakamassa hi visesena bhaṇḍana-kāraḥkataṃ aṅgaṃ ti aṭṭhakathāyaṃ vuttaṃ* [Sp 1156,15–16]; *taṃ pāṭiyā āgata-nidānena yujjati; tasmā sabba-ttikesu<sup>1</sup> pi bhaṇḍanaṃ āropetvā bhaṇḍana-*

*na poṣadho na pravāraṇā na jñāpti-karma na jñāpticaturtha-karma* (MSV(D) III 7,5–11; GBM(FacEd) X.6, 890 (189, r° 2–3) *idem*, without editor's standardization of sandhi; the text seems to be defective from *sthāpayitavyaḥ* to the end; cf. here below). For the verdict of obstinate wrongness: *na pravrajayitavyaṃ, nōpasampādayitavyaṃ, na niśrayo deyo, na śramaṇoddeśa upasthāpayitavyaḥ, nānena karma kartavyaṃ, na karma-kāraḥ saṃmantavyaḥ, nānena bhikṣuṇyo' avavadiṭavyaḥ, na bhikṣuṇyāvavādaḥ saṃmantavyaḥ, na pūrva-saṃmatena bhikṣuṇyo 'vavadiṭavyaḥ, nānena bhikṣuś codayitavyaḥ smārayitavyaḥ sīla-vipattiyā dṛṣṭi-v° ācāra-v° ājīva-v° nānenāvavadaḥ sthāpayitavyaḥ, na poṣadhe, na pravāraṇe, na jñāpti-dvītiye na jñāpticaturthe karmaṇi, nāpi saṃgha-madhye vinayo mokṭavyaḥ satsv anyeṣu vinaya-dhāreṣu pudgaleṣu* (Adhik-v 107,14–23).

<sup>1</sup>I.e., the threefold groups of grounds which invalidate such a procedure (Vin II 3,1–4,15).

*paccayā āpannāpatti-vasena idaṃ kammaṃ kātabbaṃ; tasmā adhisīle sīla-vipanno ti etthāpi pubba-bhāge vā apara-bhāge vā codanā-saraṇādi-kāle bhaṇḍana-paccayā āpannāpatti-vasen' eva kāretabbaṃ, na kevalaṃ saṃghādisesa-paccayā kātabban ti.*

*Adesanā-gāminiyā āpattiyā ti pārājikāpattiyā ti ettakamattaṃ vatvā parato adhisīle pārājika-saṃghādisese ajjhācārā ti porāṇa-gaṇṭhipade vuttan ti likhitam; adhisīle sīla-vipanno ti saṃghādisesaṃ sandhāyā ti gaṇṭhipade likhitam; idaṃ porāṇa-gaṇṭhipade purima-vacanena sameti; tasmā tattha pacchimam pārājika-padam atth' uddhāra-vasena vuttaṃ siyā. Aṭṭhakathāyaṃ ca adesanā-gāminiyā ti pārājikāpatti vā saṃghādisesāpattiyā vā ti vuttaṃ* [Sp 1155,16–17]; *tattha pārājikāpatti atth' uddhāra-vasena vuttā siyā. Yato gaṇṭhipade adhisīle sīla-vipanno ti saṃghādisesaṃ sandhāyā ti ettakam eva likhitam, tasmā sabbattha gaṇṭhipade sakalena nayena pārājikāpatti-paccayā uppanna-bhaṇḍana-hetu na tajjanīya-kammaṃ kātabbaṃ payoḥjanābhāvā; saṃghādisesa-paccayā kātabbam ti ayam attho siddho hoti. Na sukka-pakkhe desanā-gāminiyā āpattiyā kataṃ hotīti vacanato ti ce; na ekena pariyāyena saṃghādisesassa pi desanāgāmini-vohāra-sambhavato.*

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## INDEX

(the most important references are set in bold type)

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*akata-sahāya*: IV n. 94; **VI n. 9.**

*akaṭāṇudhamma*: V § 6c.

*akkosādhippāya*: VI n. 36.

*ajjottharati*: IV n. 67; TPāp n. 2

*ajjhācāra*: VII n. 6. — (a)duṭṭhulla *ajjhācāra*: VII n. 6.

*añña-vādaka*: TPāp § A; n. 2.

*adhikaraṇa*: IV §§ 6a(i), 7b; n. 12, 18; TPāp § B-C; **n. 10.**

*anujānāmi*: IV n. 60.

*anuddhamśanādhippāya*: VI n. 36.

*anuvāda*: TPāp n. 19. — °*adhikaraṇa*: **TPāp.**

*a-p(p)atīkāra*: IV n. 93; **V § 6c.**

*apaloketi*, °*lokanā*, °*lokana-kamma*: IV § 8b; **V § 3**; VI § 2b; VII n. 10; VIII § 2; X § 2b.

*apa-sādeti*: VII n. 17.

*abbhāna*: IV § 4[g]; n. 19; **V n. 2**; TPāp n. 20.

*Abhayagiri*: VI n. 32.

*avandīya*, *avandanīya-kamma*: VII § 3.

*a-saṃvāsa(ka)*: **VI n. 9.**

*a-sambhoga*: IV § 5c, **8b**; n. 91; **IX § 1.**

*a-sammukhā*: see s.v. *sammukhā*.

*ākaṅkhamāna saṃgha*: IV §§ **6b-c**; TPāp § C.

*ākaddheti*: X n. 10.

*āgālhāya ceteyya*: IV n. 51.

*ācāra-vipatti*: IV n. 47.

*āṇatti*: VII § 4.

*ādikammika*: IV n. 108.

*āpatti*: **VII n. 6**; **VIII nn. 10, 15, 16.** — °*āropanā*: X § 2c.

— *garukā ā°*: IV n. 47; TPāp nn. 2, 5. — (a)duṭṭhullā *ā°*:

IV nn. 43, 47. — (a)*desanagāminī ā°*: IV n. 4, 47. — °

*desanā*: IV nn. 43, 104; **VII n. 6.** — °*bahula*: IV n. 19.

—<sup>o</sup>-ropanā : IV § 3 ; X § 2 c. — (v)uṭṭhānagāminī ā<sup>o</sup> : IV n. 31 ; TPāp n. 20. —<sup>o</sup>-sāmanta : TPāp n. 5. — sāvasesā, an-avasesā ā<sup>o</sup> : TPāp § A.  
 āvaraṇā : VII §§ 2–4.  
 āvāsa-parampara : IV n. 91.  
 ukkhitta —<sup>o</sup>-anuvattaka : IV § 8 c ; V n. 31.  
 ukkhepaka : IV § 8 b ; V n. 31.  
 ukkhepanīya-kamma : IV §§ 1, 2, 5 c, 6 b–c, 7 b, 8 a–e and nn. ; nn. 12, 36, 51 ; V §§ 1, 6 b–c and nn., 8 c ; n. 50 ; VI n. 8 ; VIII § 3 ; X nn. 7, 14.  
 ukkoṭana : IV n. 12.  
 upassaya : V n. 3.  
 uposatha : IV §§ 5 a, 8 a–b ; n. 96 ; VII § 3.  
 ubbāhikā : V § 4.  
 omāsa-vāda : VI n. 36 ; X n. 17, 30.  
 ovāda : VII § 3.  
 osāraṇa-kriyā : V n. 1.  
 osāraṇīya : V §§ 7 a–b.  
 osāreti, osāraṇā : IV §§ 8 b–d ; nn. 62, 100 ; V and nn. ; IX § 2 ; TPāp, nn. 8–9.  
 kaṭhina : IV n. 96. —<sup>o</sup>-uddhāra : VI n. 3.  
 Kaṇṭaka-nāsanā : VI n. 4.  
 kattu-kāma : IV § 6 b.  
 kammavācā : IV n. 107.  
 kammāraha : IV n. 53.  
 kavāta : V n. 3.  
 kāraka-saṃgha : V n. 31.  
 kula-dūsaka, <sup>o</sup>-dūsana : IV § 7 b ; nn. 20, 53, 78.  
 khandha-sāmanta : TPāp n. 5.  
 khamati, khamāpeti : IV § 5 b[c] ; VII § 4.  
 khamseti : X n. 17, 30.  
 garu-dhamma : IV § 6 b ; VII n. 10.  
 gihi-paṭisaṃyutta : IV n. 9.  
 codeti : IV § 3 ; X § 3 c.  
 Channa bhikkhu : IV n. 91 ; X § 2 a–c ; nn. 7, 9, 14 ; TPāp n. 3.

ñ atti-kamma : V § 4.  
 ñ atticatuttha-kamma : V § 6 a.  
 ñ attidutiya-kamma : V § 5.  
 tajjanīya-kamma : IV §§ 1, 2, 5 a, 6 b–c, 7 a, 8 a ; nn. 12, 35, 38, 48, 53, 96 ; V §§ 1, 6 a, 7 b, 8 b ; n. 50 ; X § 2 c ; TPāp §§ A, C–D ; nn. 8, 10, 14.  
 tassa-pāpiyyasikā : V n. 16, 36 ; VI § 4 ; TPāp.  
 daṇḍa-kamma : IV nn. 49, 60 ; V § 3 ; VI and nn. ; IX n. 2 ; X § 3 b–c. —<sup>o</sup>-nāsanā : VI §§ 1[c], 2 c ; n. 19.  
 diṭṭhi-vipatti : IV n. 47.  
 dutiyikā : V § 8 c ; n. 45.  
 deyya-dhamma : IX § 1.  
 Devadatta bhikkhu : VIII § 1.  
 nānā-saṃvāsaka : IV §§ 8 b–c ; n. 102.  
 nāsanantika : VI n. 3.  
 nāsitaka : V n. 15.  
 nāseti, nāsanā : IV nn. 11, 48 ; V § 1 ; n. 15, 36 ; VI and nn. ; VII §§ 2, 4 ; IX n. 1 ; TPāp § B–C ; n. 9. —  
 saṃvāsa-nāsanā : IV n. 95 ; V n. 50 ; VI §§ 1[b], 2 c ; n. 9.  
 nikkadḍhati : V § 1.  
 niy(y)as(s)a : IV n. 8 ; X n. 35.  
 nissaggiya : V n. 42.  
 nissaya : IV n. 8 ; VII § 4 ; X § 3 c. —<sup>o</sup>-paṇāmanā : VII § 4.  
 nissaya-kamma : IV § 1, 2, 5 b, 6 c ; nn. 12, 36, 39, 48 ; V § 1 ; X § 3 c.  
 nissāraṇā : IV n. 53 ; V and nn. ; IX § 2.  
 nissāraṇīya : V §§ 7 a–8 c and nn.  
 (a)pakatatta : IV n. 55.  
 pakāseti, pakāsanīya-kamma : VIII and nn. ; X § 1. —  
 akitti-p<sup>o</sup> : VIII § 1. — pabbājakā-p<sup>o</sup> : VIII n. 4.  
 pacceka-ṭṭhāna : TPāp n. 19.  
 paṭicchādeti : TPāp n. 2.  
 paṭiññā : IV § 3 ; VI n. 32 ; X § 2 c.  
 paṭinissaggiya : V n. 42.  
 paṭipucchā : IV § 3 ; X § 2 c.

*paṭippassaddhi* : IV § 4[g]; nn. 8, 25, 35, 36; V §§ 1, 6b;  
**n. 15** ; VII § 4; *TPāp* § B; nn. 8–9.  
*paṭisāraṇīya-kamma* : IV §§ 1, 2, 5b, 6a; nn. 36, 39, 45, 51,  
**58**, 60; V § 1; VI n. 12; VII n. 4; IX § 1.  
*paṇāmeti*, *paṇāmanā* : VII § 4.  
*paṇḍaka* : VI n. 25.  
*patta-ukkujjanā*, °-*nikkujjanā* : IV nn. 9, 50, 60; V § 1; VII  
n. 4; IX and nn.; X § 1.  
*pabbajjā* : VI n. 7, 15.  
*pabbājaṇīya-kamma* : IV §§ 1, 2, 5b, 6c, 7a–b, 8e; nn. 36,  
39, 53, 59, 66–68, 108; V § 1; n. 17; VI n. 2.  
*pabbājeti* : IV n. 72.  
*parammukhā* : IV n. 107.  
*parivāsa* : IV §§ 1, 3–5a, 6b, 7b, 8a, 8d; nn. 12, 19, 38, 70;  
V n. 24.  
*pavāraṇā* : IV §§ 5a, 8a–b; n. 96.  
*pārājika* : IV § 1; *TPāp* § A; n. 5. —°-*sāmanta* : *TPāp* n. 5.  
*bāla* : IV n. 55.  
*brahma-daṇḍa* : X and nn.  
*bhaṇḍana-kāraka* : IV § 6c; nn. 18, 63–64; V n. 4.  
*maṅkuṃ karoti* : X § 3c.  
*manoratha-matta* : IV n. 66.  
*Mahāsaṃghika* : VII n. 6.  
*mānatta* : IV §§ 1, 3–5a, 6b, 7b, 8a, 8d; n. 12, 19, 31, 70; V  
§ 8a–c; n. 45, 48.  
*mukhârūlha* : IV n. 108.  
*Mettiyā bhikkhunī* : VI § 5.  
*yāva-tatīyaṃ* (*samanubhāsanā*) : IV §§ 4[c], 7b; n. 107; X  
n. 10.  
*yebhuyyasikā* : *TPāp* n. 9.  
*ratti-ccheda* : V n. 45.  
*liṅga* : VI n. 8. —°-*nāsanā* : VI §§ 1[a], 2b–c, 3–5 and nn.  
*vatthu* : VIII n. 10.  
*vadha-daṇḍa* : X § 3c.  
*vambheti* : X § 3c; nn. 17, 30.  
*vibbhamati* : IV § 8d; n. 69; VI nn. 8, 27.

*vihāra* : IV n. 66; V n. 3.  
*vihesaka* : *TPāp* § A; n. 4.  
*vuṭṭhātu-kāma*, *vuṭṭhāpeti* : IV § 4[d]; *TPāp* n. 20.  
*saṃvāsa-nāsanā* : see s.v. *nāseti*.  
*saṃvega* : X n. 9.  
*saṃgha-rāji*, °-*bheda* : IV § 8c; V n. 3; X n. 14. —  
°-*sāmaggī* : IV § 8c.  
*saṃghādisesa* : IV n. 31; V § 8a–c and nn.; n. 40.  
*saṃghārāma* : V n. 3.  
*samanubhāsanā* : X n. 10.  
*samāna-saṃvāsa(ka)* : IV § 8b–c; V n. 31; VI n. 9.  
*sampajāna-musāvāda* : VI n. 36.  
*sammannati*, *sammatti* (cf. s.v. *sammuti*) : VIII § 1.  
*sammā-vattati*, °-*vattana* : IV nn. 32, 35, 88, 107; V §§ 7a–  
b; n. 3; X § 2c.  
(a)*sammukhā* : IV § 3; n. 107; VII n. 10; VIII § 1; IX §§ 1–  
2; n. 6; X § 2a; n. 16; *TPāp* § B.  
*sammuti* (*bhikkhu*-°) : VIII n. 8; *TPāp* n. 16.  
*sa-rajjuka* : IV n. 35.  
*sāmaṇera-sikkhāpada* : VII n. 6.  
*sāreti* : IV § 3; X § 3c.  
*sīmā* : IV §§ 7a, 8c; n. 67; V §§ 6b–c; n. 31; IX § 1; n. 5.  
*sīla-vipatti*, °-*vipanna* : IV n. 27, 47; Appendix II.  
*hattha-pāsa* : IX n. 6.

## BHS / Skt

- ava-kumcayati : IX § 2.  
 ava-sādayati, °-sādanā : VII nn. 8, 17, 19.  
 ava-sārayati, °-sāraṇā : IV n. 61 ; V § 8c.  
 \*ava-sārayati : V n. 1.  
 āvarhaṇa : IV n. 61.  
 āhvayana : V n. 51.  
 iṣṭakarma-karaṇa : IV n. 53.  
 utkṣipta, °taka, °takatva : IV § 1.  
 utkṣipta — °-anuvṛtti, °-anupravṛtti, °-anuvartaka, °tikā, °-  
 anuvartakānuvartaka : IV § 8c.  
 utkṣepaka : IV § 1. — °-anuvartaka, °-anuvartakānuvartaka :  
 IV § 8c.  
 utkṣepaṇa-pācattika : IV § 1.  
 utkṣepaṇīya(ṃ) karma : IV § 1 ; nn. 5, 24, 33, 36.  
 ut-sārayati, °-sāraṇā : V § 8 ; n. 47.  
 \*ut-svārayati : V n. 1.  
 osārayati, osāraṇā(-karma), osāraṇīya(ṃ) karma : IV nn. 33,  
 36 ; V § 8c ; n. 19, 51.  
 jñ apti-karma : IV n. 23, 36.  
 tarjanīya(ṃ) karma : IV § 1 ; nn. 5, 24, 33, 36, 53 ; V n. 31 ;  
 TPāp n. 22.  
 traya dṛṣṭigata : IV n. 16.  
 daṇḍa-karma : VII § 3.  
 duṣṭhullā āpatti : VIII § 2.  
 nāśayati, nāśeti, nāśanīya, nāśanā : VI § 5.  
 nihsaraṇīya : V § 8a.  
 ni-kumjayati, °-kubjayati : IX § 2.  
 niḥśraya : IV n. 8.  
 nigarhaṇa, nigarhaṇīya(ṃ) karma : IV § 1 ; n. 5, 24, 33, 36 ;  
 X § 3c.  
 nigharṣanīya : IV § 1.  
 niśrāyaṇīya : IV § 1.  
 parivāsa : IV n. 61.  
 pātra-nikubjanā : IX § 2.

- prakāśanā-saṃmuti : VIII § 2.  
 prakāśayati : VIII § 1.  
 pratiprasrambhana : IV n. 8 ; VII n. 19.  
 pratisaṃharaṇa, °-saṃharaṇīya(ṃ) karma : IV § 1 ; nn. 5,  
 23, 24, 33, 36.  
 pratisāraṇīya : IV § 1.  
 praty-osārayati, °-osāreti, °-osāraṇā : V § 8c.  
 praṇidhi-karma : IV n. 61.  
 pravāsa, pravāsana, pravāsanīya(ṃ) karma : IV § 1 ; n. 5,  
 24, 33, 36.  
 pravāhaṇīya : IV § 1.  
 pravrajāṇīya : IV § 1.  
 mānatva : IV n. 31.  
 mānāpya : IV n. 61.  
 muktikā, mōktikā : VII n. 14.  
 muktikā jñapti : V n. 31.  
 yuktakula : IV n. 33.  
 vīgarhaṇīya : IV § 1 ; X § 3c.  
 \*vosārayati : V § 8c.  
 śalākā : TPāp n. 9.  
 saṃgha-saṃmati, °-saṃvṛti : VIII n. 8.  
 saṃghātīśeṣa : V n. 40.  
 saṃghāvaśeṣa : V n. 40.  
 sīmā : IV n. 33 ; V n. 31.